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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 21-cv-1282(PJS/DLM)

Carolyn Cole and
Molly Hennessy-Fiske,

Plaintiffs,

vs.

Ben Lockman and Michael Eck,
acting in their individual capacities
as troopers or other sworn officers
of the Minnesota State Patrol; and
Joseph Dwyer and Jason Engeldinger,
acting in their individual capacities
as Captains of the Minnesota State Patrol,

Defendants.

VIDEOTAPED DEPOSITION OF TESA JOHNSON

VOLUME I

The following is the videotaped deposition of
TESA JOHNSON, VOLUME I, taken pursuant to Notice of
Taking Deposition, at the Jessie F. Hallett Memorial
Library, 101 First Street Southeast, Crosby,
Minnesota, on December 20, 2023, commencing at
approximately 10:30 a.m.

Reporter: Amanda K. Grover
For Doby Professional Reporting, Inc.
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APPEARANCES:

On behalf of the Plaintiffs:
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Andrew J. Noel
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On behalf of the Defendants:
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Videographer: Jayme Hogan, Envision Video.

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PROCEEDINGS

VIDEOGRAPHER: This is the video deposition of Tesa Johnson. Today's date is December 20, 2023, the time is approximately 10:31 a.m.

Would each attorney state their name for the record, please.

MS. WIESSNER: Greta Wiessner for the plaintiffs.

MR. NOEL: Andrew Noel, plaintiffs.

MR. WEINER: Joe Weiner for the defendants.

MS. PARKER: Kim Parker, general counsel for the defendants.

VIDEOGRAPHER: Thank you. Would the court reporter please administer the oath.

(Oath administered.)

THE WITNESS: Yes.

TESA JOHNSON,
being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. WIESSNER:

Q. Good morning, Ms. Johnson.

A. Good morning.

Q. Do you prefer that I call you Tesa or

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Ms. Johnson?

A. Tesa is fine.

Q. Tesa, okay. You may remember me. I'm Greta Wiessner, one of the counsel for the plaintiffs in this case, and I met you briefly on your last Zoom deposition.

A. Yes.

Q. I don't think you've met Andy Noel, who's also counsel for the plaintiffs. I know you've met Joe Weiner, counsel for the defendants.

A. Mm-hmm.

Q. And he represents Joseph Dwyer, Jason Engeldinger, Michael Eck and Ben Lockman in this case.

A. Mm-hmm.

Q. I'd like to show you your Notice of Taking a Video Deposition.

(Exhibit Number 1 marked.)

MR. WEINER: And are we marking this as 1?

MS. WIESSNER: Sure, we can mark this as 1.

BY MS. WIESSNER:

Q. Do you recognize this document, Tesa?

A. Yes.

Q. So this was the notice we sent you to take your deposition today; right?

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<p style="text-align: right;">6</p> <p>1 A. Yes.</p> <p>2 Q. And you see your name on this document?</p> <p>3 A. I do.</p> <p>4 Q. And that's you, Tesa Johnson?</p> <p>5 A. Yes.</p> <p>6 Q. And you understand why you're here today?</p> <p>7 A. Yes.</p> <p>8 Q. That we'll be taking your deposition today</p> <p>9 under oath and on video?</p> <p>10 A. Yes.</p> <p>11 Q. And you understand that you have the right</p> <p>12 to have an attorney here today?</p> <p>13 A. Yes.</p> <p>14 Q. You understand that you also have the right</p> <p>15 to appear without an attorney?</p> <p>16 A. Yes.</p> <p>17 Q. And you have freely chosen not to be</p> <p>18 represented by counsel today; right?</p> <p>19 A. Correct.</p> <p>20 Q. And importantly, you understand that</p> <p>21 neither I nor Andy are your attorneys?</p> <p>22 A. Yes.</p> <p>23 Q. Joe is not your attorney?</p> <p>24 A. Yes.</p> <p>25 Q. No one is representing you here today --</p>	<p style="text-align: right;">8</p> <p>1 that claim; right?</p> <p>2 A. Correct.</p> <p>3 Q. And who is your attorney for that claim?</p> <p>4 A. Josh Harrison.</p> <p>5 Q. Okay. And you understand that you have the</p> <p>6 right to have Mr. Harrison present today?</p> <p>7 A. Correct.</p> <p>8 Q. And I advised you about that right via</p> <p>9 email last week; right?</p> <p>10 A. You did.</p> <p>11 Q. And you let him know you're being deposed;</p> <p>12 right?</p> <p>13 A. I did.</p> <p>14 Q. And you've chosen to come today without</p> <p>15 Mr. Harrison present?</p> <p>16 A. Yes.</p> <p>17 Q. And you understand he's not representing</p> <p>18 you for purposes of this deposition?</p> <p>19 A. Correct.</p> <p>20 Q. And I'm going to be careful not to ask you</p> <p>21 questions that would intrude on your conversations</p> <p>22 with Mr. Harrison. If I ask you something and it</p> <p>23 inadvertently would cause you to reveal privileged</p> <p>24 or confidential information, let me know and don't</p> <p>25 answer. But we'll try to avoid those topics; okay?</p>
<p style="text-align: right;">7</p> <p>1 A. Correct.</p> <p>2 Q. -- for any purpose?</p> <p>3 A. Correct.</p> <p>4 Q. And you understand that I represent Carolyn</p> <p>5 Cole and Molly Hennessy-Fiske, who are the</p> <p>6 plaintiffs in this case?</p> <p>7 A. Yes.</p> <p>8 Q. And you understand that I cannot provide</p> <p>9 you any legal advice?</p> <p>10 A. Yes.</p> <p>11 Q. And do you understand that your interests</p> <p>12 and the interests of my clients may be adverse or</p> <p>13 different from each other?</p> <p>14 A. Yes.</p> <p>15 Q. I say they are or may be because we don't</p> <p>16 know what your interests are; okay?</p> <p>17 A. Correct.</p> <p>18 Q. I understand that you have a pending</p> <p>19 workers' compensation claim against the State Patrol</p> <p>20 for PTSD disability benefits; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. And when did that claim start or arise?</p> <p>23 A. Started, I believe it was January of 2022</p> <p>24 or '1.</p> <p>25 Q. And you are represented for purposes of</p>	<p style="text-align: right;">9</p> <p>1 A. Okay.</p> <p>2 Q. And are you represented by any other</p> <p>3 attorney in any other matter --</p> <p>4 A. No.</p> <p>5 Q. -- at this point? And besides February 22,</p> <p>6 2023 when my colleague, Marc Betinsky, deposed you</p> <p>7 in this case, have you been deposed before?</p> <p>8 A. Other than what you just mentioned, no.</p> <p>9 Q. And you do recall that deposition; right?</p> <p>10 A. Yes.</p> <p>11 Q. It was over Zoom?</p> <p>12 A. Yes.</p> <p>13 Q. You understand that you were under oath?</p> <p>14 A. Yes.</p> <p>15 Q. And Joe Weiner from the Attorney General's</p> <p>16 Office represented you in that deposition?</p> <p>17 A. Yes.</p> <p>18 Q. So we've been over the rules, but I'll</p> <p>19 review them just one more time so today can go</p> <p>20 smoothly.</p> <p>21 The first one is trying not to talk over each</p> <p>22 other so that our court reporter is able to get both</p> <p>23 of our answers. So while I'm asking a question,</p> <p>24 please wait until I finish, and I'll try to do the</p> <p>25 same and not interrupt you; okay?</p>

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<p style="text-align: right;">10</p> <p>1 A. Understood.</p> <p>2 Q. Try to use yeses and noes, instead of hand</p> <p>3 gestures or mm-hmms and uh-uhs. That might be hard</p> <p>4 to transcribe; okay?</p> <p>5 A. Okay.</p> <p>6 Q. Listen to my full question before you</p> <p>7 answer.</p> <p>8 A. Okay.</p> <p>9 Q. And if you don't understand my question or</p> <p>10 it's not clear, which I'm sure will happen at least</p> <p>11 once today, just let me know. I can clarify it or</p> <p>12 repeat it.</p> <p>13 A. Okay.</p> <p>14 Q. But if you answer it, I'll assume it's</p> <p>15 because you understood it; okay?</p> <p>16 A. Yes.</p> <p>17 Q. And also, you can always ask for a break.</p> <p>18 We'll probably need breaks today. Just try to</p> <p>19 answer a pending question before we go on a break.</p> <p>20 Sound good?</p> <p>21 A. Yes.</p> <p>22 Q. All right. How did you prepare for today's</p> <p>23 deposition?</p> <p>24 A. I did review my -- probably about half of</p> <p>25 the deposition from previous. I didn't get through</p>	<p style="text-align: right;">12</p> <p>1 A. Correct, yes.</p> <p>2 Q. And besides Mr. Harrison, and don't tell me</p> <p>3 about conversations with him, did you talk to anyone</p> <p>4 about your deposition today?</p> <p>5 A. No.</p> <p>6 Q. How old are you, Tesa?</p> <p>7 A. Forty-one.</p> <p>8 Q. Do you currently work for the Minnesota</p> <p>9 State Patrol?</p> <p>10 A. No, I do not.</p> <p>11 Q. When did your employment end?</p> <p>12 A. April 14, 2022, I believe it was.</p> <p>13 Q. Is it possible that was 2021?</p> <p>14 A. It is. I would -- I mean -- we're at 2023,</p> <p>15 it -- maybe, yeah. It's all a jumble, unless I'm</p> <p>16 looking at, you know -- it's been a long couple of</p> <p>17 years.</p> <p>18 Q. Yeah, and we'll look at something later. I</p> <p>19 just wanted to clarify.</p> <p>20 A. Mm-hmm.</p> <p>21 Q. And without getting into details, how did</p> <p>22 your employment end? Meaning, did you quit, retire,</p> <p>23 were you terminated?</p> <p>24 A. I had a policy violation which resulted in</p> <p>25 me being terminated, and I have since retired.</p>
<p style="text-align: right;">11</p> <p>1 the whole thing, but that's it.</p> <p>2 Q. Okay. You didn't review the Complaint in</p> <p>3 this case?</p> <p>4 A. No.</p> <p>5 Q. Or anyone else's testimony?</p> <p>6 A. No.</p> <p>7 Q. Any filings in this case?</p> <p>8 A. No.</p> <p>9 Q. Did you look through any emails or text</p> <p>10 messages about either your previous deposition or</p> <p>11 the events of May 30, 2020?</p> <p>12 A. No.</p> <p>13 Q. Did you look at any social media posts</p> <p>14 about the incidents in May or your last deposition?</p> <p>15 A. No.</p> <p>16 Q. Did you review the photos in the Google</p> <p>17 shared album to prepare for today?</p> <p>18 A. Not to prepare for today, no.</p> <p>19 Q. When was the last time you reviewed those?</p> <p>20 A. When I had sent them over.</p> <p>21 Q. And when you say, "When I had sent them</p> <p>22 over," are you referring to sending them to Carolyn</p> <p>23 Cole?</p> <p>24 A. Correct.</p> <p>25 Q. And that was earlier this month; right?</p>	<p style="text-align: right;">13</p> <p>1 Q. Okay, thank you. When did you start</p> <p>2 working for the State Patrol?</p> <p>3 A. I was hired by the State Patrol in January</p> <p>4 of 2014 and went through training, and then was</p> <p>5 placed on the road in May of 2014.</p> <p>6 Q. And where were you stationed when you were</p> <p>7 placed on the road?</p> <p>8 A. 3100.</p> <p>9 Q. Where is 3100?</p> <p>10 A. That is the Virginia station -- or the</p> <p>11 Virginia -- not a station. I was stationed in</p> <p>12 Hibbing, but it's the same -- I'm drawing a blank of</p> <p>13 what the 3100 is called with the separate --</p> <p>14 Q. District?</p> <p>15 A. Yes, thank you.</p> <p>16 Q. It was a good guess. And your rank was</p> <p>17 trooper when you were stationed at 3100?</p> <p>18 A. Correct.</p> <p>19 Q. And you remained a trooper for your entire</p> <p>20 time with the State Patrol?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever move districts from 3100 to</p> <p>23 another district?</p> <p>24 A. No.</p> <p>25 Q. So you spent your career with the State</p>

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<p style="text-align: right;">14</p> <p>1 Patrol at 3100?</p> <p>2 A. Yes.</p> <p>3 Q. Who were your supervisors at 3100?</p> <p>4 A. I -- in the beginning -- Like from</p> <p>5 beginning to end?</p> <p>6 Q. Yeah, let's start with in 2014, who were</p> <p>7 your supervisors?</p> <p>8 A. 2014, my supervisors would have been Murray</p> <p>9 -- he was the captain. I can't -- his name escapes</p> <p>10 me, but he was only there for a couple months. And</p> <p>11 then it was Captain Ron Silcox, and then when Ron</p> <p>12 retired, then Jason Engeldinger was promoted to</p> <p>13 captain.</p> <p>14 Q. And when was he promoted to captain?</p> <p>15 A. It was March of -- I don't -- I don't</p> <p>16 recall what year.</p> <p>17 Q. Was it before 2019?</p> <p>18 A. I believe, yes, I believe so.</p> <p>19 Q. It was before the pandemic, is maybe a good</p> <p>20 marker. Was it before the pandemic?</p> <p>21 A. Yes.</p> <p>22 Q. We're going to be talking about the State</p> <p>23 Patrol's operation during the George Floyd protests,</p> <p>24 so I'd like to define a term that might be helpful</p> <p>25 so that I'm not saying a whole mouthful.</p>	<p style="text-align: right;">16</p> <p>1 position with the State Patrol?</p> <p>2 A. Trooper.</p> <p>3 Q. And I understand you were also on the</p> <p>4 Mobile Response Team; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. Can you tell me about that team?</p> <p>7 A. The team was volunteer based and we were</p> <p>8 trained specially for responding to civil unrest and</p> <p>9 -- civil unrest, crowd control, you know, what</p> <p>10 civilians would refer to as, say, riots.</p> <p>11 Q. Were you also trained on the First</p> <p>12 Amendment?</p> <p>13 A. Yes.</p> <p>14 Q. When did you join the MRT?</p> <p>15 A. I believe it was 2015.</p> <p>16 Q. Was anyone else from 3100 on the MRT with</p> <p>17 you?</p> <p>18 A. I don't recall.</p> <p>19 Q. Who were your supervisors on the MRT during</p> <p>20 the George Floyd operation?</p> <p>21 A. My direct -- well, for my squad, it was</p> <p>22 Lieutenant Eck, and I believe for a time Joe Brod --</p> <p>23 Bordwell.</p> <p>24 Q. And when you say Lieutenant Eck, that's</p> <p>25 Mike Eck?</p>
<p style="text-align: right;">15</p> <p>1 You understand that George Floyd was killed by</p> <p>2 a Minneapolis Police Department officer, Derek</p> <p>3 Chauvin, in May of 2020?</p> <p>4 A. I am.</p> <p>5 Q. And that was on May 25, 2020. Does that</p> <p>6 sound right?</p> <p>7 A. Sounds right.</p> <p>8 Q. And video of that event went viral and</p> <p>9 spread around the world?</p> <p>10 A. Yes.</p> <p>11 Q. And protests then started in Minneapolis;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And the State Patrol responded to those</p> <p>15 protests; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And stayed for about two weeks, from May</p> <p>18 until June of 2020; right?</p> <p>19 A. Correct.</p> <p>20 Q. I'll refer to that period or deployment as</p> <p>21 the George Floyd operation or the George Floyd</p> <p>22 operation period, so you know what I mean when I say</p> <p>23 that.</p> <p>24 A. Okay.</p> <p>25 Q. On May 30, 2020, what was your rank and</p>	<p style="text-align: right;">17</p> <p>1 A. Correct.</p> <p>2 Q. Did you work with Lieutenant Eck outside of</p> <p>3 the MRT?</p> <p>4 A. Yes.</p> <p>5 Q. Was he stationed at 3100?</p> <p>6 A. He was.</p> <p>7 Q. How often did you work with Lieutenant Eck?</p> <p>8 MR. WEINER: Objection, vague.</p> <p>9 THE WITNESS: Specifically work, are you</p> <p>10 referring to patrolling or --</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. I'll clarify. How often at 3100, outside</p> <p>13 of the MRT, were you working directly with</p> <p>14 Lieutenant Mike Eck?</p> <p>15 A. Not often.</p> <p>16 Q. Did you work with him often in the MRT</p> <p>17 outside of the George Floyd operation?</p> <p>18 A. No.</p> <p>19 Q. But you do recall having him supervise you</p> <p>20 during the George Floyd operation?</p> <p>21 A. Correct.</p> <p>22 Q. What was your relationship with Lieutenant</p> <p>23 Eck like?</p> <p>24 MR. WEINER: Objection, vague.</p> <p>25 THE WITNESS: Working relationship or --</p>

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<p style="text-align: right;">18</p> <p>1 BY MS. WIESSNER:</p> <p>2 Q. Let's start with working relationship.</p> <p>3 A. Okay.</p> <p>4 Q. What was your working relationship like?</p> <p>5 A. Fine.</p> <p>6 Q. Would you say you're friendly?</p> <p>7 A. Friendly seems appropriate.</p> <p>8 Q. Did you speak to him outside of work at</p> <p>9 all?</p> <p>10 MR. WEINER: Objection, vague.</p> <p>11 THE WITNESS: Not often.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. Do you have his phone number in your phone?</p> <p>14 A. Probably.</p> <p>15 Q. Have you spoken to him since the George</p> <p>16 Floyd operation?</p> <p>17 A. I said hello to him at a wedding.</p> <p>18 Q. When was that wedding?</p> <p>19 A. September 8th of this year.</p> <p>20 Q. Whose wedding was that?</p> <p>21 A. Abigail Burch.</p> <p>22 Q. Is that someone you served on the State</p> <p>23 Patrol with?</p> <p>24 A. It is.</p> <p>25 Q. Is that someone who was at the George Floyd</p>	<p style="text-align: right;">20</p> <p>1 Q. You mentioned Captain Engeldinger as being</p> <p>2 both at your home station and on the MRT; is that</p> <p>3 right?</p> <p>4 A. Correct.</p> <p>5 Q. He was one of the co-commanders of the MRT</p> <p>6 during the George Floyd operation; right?</p> <p>7 A. Correct.</p> <p>8 Q. How often did you work with him at your</p> <p>9 home station or at 3100?</p> <p>10 A. Occasionally.</p> <p>11 Q. Was that both before and after the George</p> <p>12 Floyd operation?</p> <p>13 A. Yes.</p> <p>14 Q. What kinds of things would you interact or</p> <p>15 work with Captain Engeldinger on?</p> <p>16 A. Occasionally he would be out patrolling,</p> <p>17 and other -- if we interacted for any other work</p> <p>18 purposes, it could have been reviewing paperwork, it</p> <p>19 could have been discussing other troopers, but</p> <p>20 nothing -- nothing incredibly substantial that I can</p> <p>21 recall.</p> <p>22 Q. Sure. What was your relationship with</p> <p>23 Captain Engeldinger like?</p> <p>24 MR. WEINER: Objection, vague.</p> <p>25 THE WITNESS: We were friends.</p>
<p style="text-align: right;">19</p> <p>1 operation with you?</p> <p>2 A. Yes.</p> <p>3 Q. Someone who's on the MRT then?</p> <p>4 A. Correct.</p> <p>5 Q. Is she also in your station or district at</p> <p>6 3100?</p> <p>7 A. She does work out of that station.</p> <p>8 Q. So this might help you remember some of the</p> <p>9 people who are at your home station and at the MRT.</p> <p>10 So thinking about her wedding, for example, can you</p> <p>11 think of any more people that were both at your home</p> <p>12 station and on the MRT with you?</p> <p>13 A. During the George Floyd period of time?</p> <p>14 Q. Yeah, let's go with during the George Floyd</p> <p>15 operation.</p> <p>16 A. I'm just going through in my head who was</p> <p>17 with -- or who was in my station. Travis Pearson</p> <p>18 would have been on MRT, Al Ryan, Abigail</p> <p>19 Burch-Dumont is her name now, and then Lieutenant</p> <p>20 Eck, Captain Engeldinger. And I believe there could</p> <p>21 have been more, but that's what I can recall at this</p> <p>22 moment.</p> <p>23 Q. Sure. And the best of your recollection is</p> <p>24 all I'm asking for.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">21</p> <p>1 BY MS. WIESSNER:</p> <p>2 Q. You said, "We were friends"?</p> <p>3 A. Yes.</p> <p>4 Q. Are you no longer friends?</p> <p>5 A. No.</p> <p>6 Q. Can you explain why that is?</p> <p>7 A. I can. I believe that -- I believe that I</p> <p>8 -- How do I put this? We're not -- We don't see eye</p> <p>9 to eye.</p> <p>10 Q. When did you stop being friends?</p> <p>11 A. When I was placed on administrative leave.</p> <p>12 Q. And that was after the George Floyd</p> <p>13 operation; correct?</p> <p>14 A. Correct.</p> <p>15 Q. So during the George Floyd operation, when</p> <p>16 he was the co-commander, you were still friends?</p> <p>17 A. Correct.</p> <p>18 Q. When was the last time you spoke to Captain</p> <p>19 Engeldinger?</p> <p>20 A. A brief hello at the wedding, at Abigail's</p> <p>21 wedding.</p> <p>22 Q. And I can tell it's hard to talk about. I</p> <p>23 don't want to press you too hard. But when you say</p> <p>24 you don't see eye to eye, was there a specific event</p> <p>25 or catalyst for the unraveling of that relationship?</p>

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<p style="text-align: right;">22</p> <p>1 A. Yes.</p> <p>2 Q. What was that?</p> <p>3 A. It was the in -- the policy violation that</p> <p>4 resulted in my termination.</p> <p>5 Q. So was he involved in the decision to</p> <p>6 terminate you?</p> <p>7 MR. WEINER: Objection.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 MR. WEINER: Calls for speculation.</p> <p>10 THE WITNESS: I don't know.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. In your last deposition, you mentioned that</p> <p>13 Jason Engeldinger had called or texted you to let</p> <p>14 you know that the Attorney General's Office would be</p> <p>15 calling you about this case. Do you recall that</p> <p>16 testimony?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall whether it was a voicemail or</p> <p>19 a text that he sent?</p> <p>20 A. No, I don't recall.</p> <p>21 Q. Is it something you might have preserved or</p> <p>22 could check and see if you've preserved?</p> <p>23 A. I can check. I don't know if it's been</p> <p>24 preserved.</p> <p>25 Q. I'll likely have you check and see if it</p>	<p style="text-align: right;">24</p> <p>1 Q. How did you work with him indirectly?</p> <p>2 A. How would I work with him?</p> <p>3 Q. Yeah, how would you describe -- You said</p> <p>4 not directly, so does that mean you did work with</p> <p>5 him indirectly?</p> <p>6 A. During MRT operations, we followed whatever</p> <p>7 direction we had from commanders or a supervisor</p> <p>8 underneath those commanders, so what we were told to</p> <p>9 do is what we did. So when I refer to, say, he and</p> <p>10 I worked indirectly together, that would be</p> <p>11 referring to what orders we were given, if they were</p> <p>12 from him.</p> <p>13 Q. So through the chain of command. Is that a</p> <p>14 fair characterization?</p> <p>15 A. Correct.</p> <p>16 Q. Did you ever receive direct orders from</p> <p>17 Joseph Engeldinger?</p> <p>18 A. From Joseph Dwyer?</p> <p>19 Q. Yes, from Joseph Dwyer. Thank you.</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you recall ever being at a briefing that</p> <p>22 Major Dwyer was leading, then Captain Dwyer?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall multiple briefings that he</p> <p>25 led during the George Floyd operation?</p>
<p style="text-align: right;">23</p> <p>1 has been preserved. But we'll save that for later;</p> <p>2 okay?</p> <p>3 A. Okay. If it was a voicemail, it's not</p> <p>4 preserved. I'm unsure if a text message would be</p> <p>5 preserved.</p> <p>6 Q. Do you recall what it said?</p> <p>7 A. No.</p> <p>8 Q. Did you speak to him in-person --</p> <p>9 A. No.</p> <p>10 Q. -- or did you call him back if it was a</p> <p>11 voicemail or text him back if it was a text?</p> <p>12 A. No.</p> <p>13 Q. You also said, "I don't talk to Captain</p> <p>14 Engeldinger," in that deposition. Do you recall</p> <p>15 that?</p> <p>16 A. No, but it sounds appropriate.</p> <p>17 Q. And it sounds like we've covered this. So</p> <p>18 there's some bad blood there. Is that fair to say?</p> <p>19 A. Yes.</p> <p>20 Q. Did you work with now Major Joseph Dwyer at</p> <p>21 your home station at 3100?</p> <p>22 A. No.</p> <p>23 Q. Do you recall working with him during the</p> <p>24 George Floyd operation period?</p> <p>25 A. Not directly, but he was a commander.</p>	<p style="text-align: right;">25</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me, just starting generally,</p> <p>3 tell me about what those briefings were like. What</p> <p>4 was the purpose of them?</p> <p>5 A. The briefings and the purpose would be</p> <p>6 during the George Floyd period of -- period of time,</p> <p>7 I'm sorry, the chosen term or -- what we're</p> <p>8 referring to it escapes me.</p> <p>9 Q. That's totally fine. I think we all know</p> <p>10 what you're referring to.</p> <p>11 A. Okay. Our briefings or debriefs would have</p> <p>12 taken place as a group, and it would be any</p> <p>13 information that would be pertinent to give to the</p> <p>14 MRT team or debriefing of what we had accomplished</p> <p>15 or not accomplished during whatever -- whatever</p> <p>16 portion that we were going through.</p> <p>17 Q. When you say as a group, you mean as all of</p> <p>18 the State Patrol?</p> <p>19 A. As the entire MRT team. I don't -- It was</p> <p>20 not the entire State Patrol.</p> <p>21 Q. So the group you're referring to is the</p> <p>22 MRT?</p> <p>23 A. Correct.</p> <p>24 Q. Do you recall any of those briefings being</p> <p>25 outside?</p>

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<p style="text-align: right;">26</p> <p>1 A. Yes.</p> <p>2 Q. And those outside briefings, were they at</p> <p>3 Arden Hills or Shoreview?</p> <p>4 A. Correct.</p> <p>5 Q. Do you know Trooper Ben Lockman?</p> <p>6 A. No. Not that I recall, excuse me.</p> <p>7 Q. You don't recall being on an MRT squad with</p> <p>8 Trooper Lockman?</p> <p>9 A. No, because I don't recall who that is.</p> <p>10 Not saying that I wasn't. I just don't -- I don't</p> <p>11 know who that is.</p> <p>12 Q. Sure, totally fair, so I will not ask you</p> <p>13 any more questions about him.</p> <p>14 I'd like to ask you some questions about your</p> <p>15 experience as a member of the MRT on May 30, 2020.</p> <p>16 A. Okay.</p> <p>17 Q. I'm not asking you questions about your</p> <p>18 previous deposition answers or what you said in</p> <p>19 February. I'm just asking to the best of your</p> <p>20 recollection today; okay?</p> <p>21 A. Okay.</p> <p>22 Q. Do you recall being deployed to a protest</p> <p>23 outside of the Minneapolis Police Department Fifth</p> <p>24 Precinct on May 30, 2020?</p> <p>25 A. I thought it was the Third, but maybe my --</p>	<p style="text-align: right;">28</p> <p>1 Q. Do you recall any orders to execute a mass</p> <p>2 arrest that day?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you recall any orders or directions</p> <p>5 about herding people into the Kmart parking lot?</p> <p>6 A. I apologize. I'm sorry, I -- my brain was</p> <p>7 on day one of the George Floyd incident, so when you</p> <p>8 -- when I questioned the Fifth Precinct, that's</p> <p>9 where I was thinking. Can we back up to that</p> <p>10 question and --</p> <p>11 Q. Yes, of course.</p> <p>12 A. -- start again? I apologize. I really am</p> <p>13 a little bit nervous, so I was at day one when we</p> <p>14 were sent down. And you were discussing the 30th,</p> <p>15 which was Saturday; correct?</p> <p>16 Q. Ooh, that's a good question. I believe it</p> <p>17 was Saturday.</p> <p>18 A. Okay.</p> <p>19 Q. And just to pause just for a minute, thank</p> <p>20 you for clarifying. If you realize you've gotten</p> <p>21 confused or said something that needs to be</p> <p>22 corrected, you should feel free to do that.</p> <p>23 A. Okay.</p> <p>24 Q. I want the most accurate information, so if</p> <p>25 something I say confuses you or, you know, you get</p>
<p style="text-align: right;">27</p> <p>1 that could have gotten jumbled in my brain, but yes,</p> <p>2 we were deployed to one of the precincts.</p> <p>3 Q. What do you recall about that event or</p> <p>4 deployment?</p> <p>5 A. It was we -- it was day -- it was the</p> <p>6 second time that we had gone down that week and we</p> <p>7 were -- the sense of urgency during any deployment</p> <p>8 is pretty high, so it's get to the muster point. As</p> <p>9 you arrive at the muster point, you check in.</p> <p>10 Whoever is manning the table checks off your name,</p> <p>11 tells you what to do next.</p> <p>12 So in the beginning it was check in, get your</p> <p>13 stuff on, let's go (snapping fingers). So that's</p> <p>14 the initial of what would have happened, and then we</p> <p>15 were placed wherever they put us.</p> <p>16 Q. What were your orders on May 30th for this</p> <p>17 deployment?</p> <p>18 A. Specifically orders like -- Can you be more</p> <p>19 specific?</p> <p>20 Q. Sure. What were you going to the Fifth</p> <p>21 Precinct to do on May 30th?</p> <p>22 A. Guard it.</p> <p>23 Q. Guard it from what?</p> <p>24 A. The individuals that were part of that</p> <p>25 civil unrest.</p>	<p style="text-align: right;">29</p> <p>1 turned around, feel free to let me know and we can</p> <p>2 back up and clarify; okay?</p> <p>3 A. Thank you.</p> <p>4 Q. So I'm talking about May 30th at the</p> <p>5 Minneapolis Police Department Fifth Precinct.</p> <p>6 A. Yes.</p> <p>7 Q. And now, do you recall being deployed to</p> <p>8 the Fifth Precinct on May 30, 2020?</p> <p>9 A. I wasn't deployed specifically to the Fifth</p> <p>10 Precinct, but I was part of that deployment, yes.</p> <p>11 Q. Sure. And what was the purpose of that</p> <p>12 deployment to the Fifth Precinct?</p> <p>13 A. That purpose was to -- from what we were</p> <p>14 instructed, was to end it.</p> <p>15 Q. And what do you mean by, "to end it"?</p> <p>16 A. Make the rioting stop.</p> <p>17 Q. Were you told how to make the rioting stop?</p> <p>18 A. We -- they had procedures in place of</p> <p>19 arrests. We had a curfew, and if my memory serves</p> <p>20 me correctly, I believe it was 8:30 p.m. That's not</p> <p>21 necessarily what the time was, but that's a time</p> <p>22 that's sticking into my head.</p> <p>23 So at the time of the curfew, everybody was</p> <p>24 supposed to be gone off of their porches, in their</p> <p>25 homes, in -- wherever they were supposed to be.</p>

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<p style="text-align: right;">30</p> <p>1 They were not supposed to be outside.</p> <p>2 Q. So you were enforcing the curfew; right?</p> <p>3 A. Correct.</p> <p>4 Q. And you were told that you would make</p> <p>5 arrests; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall being told to herd people --</p> <p>8 (Pause in proceedings for clock chiming.)</p> <p>9 BY MS. WIESSNER:</p> <p>10 Q. I'll repeat my question. Do you recall</p> <p>11 being told that people would be herded into the</p> <p>12 Kmart parking lot for arrests?</p> <p>13 A. I don't recall specifically.</p> <p>14 Q. Sure. And when you say, "we were told to</p> <p>15 end it," who told you that?</p> <p>16 A. I don't recall. It was something that was</p> <p>17 told to us perhaps at a briefing.</p> <p>18 Q. So perhaps at one of these briefings at</p> <p>19 Arden Hills or Shoreview?</p> <p>20 A. Correct.</p> <p>21 Q. Do you recall if you staged at Shoreview</p> <p>22 that day, on May 30th?</p> <p>23 A. We did.</p> <p>24 Q. Do you --</p> <p>25 A. I believe. I'm sorry. I believe that is</p>	<p style="text-align: right;">32</p> <p>1 you explain that?</p> <p>2 A. I will explain it to the best of my</p> <p>3 abilities of what I understand it to be.</p> <p>4 Q. Sure.</p> <p>5 A. Because at the beginning we -- we weren't</p> <p>6 aware that there was an exception, and when I say</p> <p>7 we, I mean myself and potentially some troopers. I</p> <p>8 can only speak for myself, and I was not aware that</p> <p>9 there was an exception for press. And my</p> <p>10 understanding was they were -- if they identified as</p> <p>11 press, they were allowed to be behind the lines and</p> <p>12 did not have to adhere to the curfew.</p> <p>13 Q. So they would not be arrested; is that</p> <p>14 right?</p> <p>15 A. From what I recall.</p> <p>16 Q. You said you weren't initially aware. When</p> <p>17 did you become aware of the press exemption?</p> <p>18 A. I believe it was one of the first -- it</p> <p>19 would have been, say, the second or third day. It</p> <p>20 was right in the beginning, because we had had some</p> <p>21 -- and I don't know what troopers, but I know that</p> <p>22 there was some incidents with some media that had</p> <p>23 gotten arrested because we were unaware of the</p> <p>24 exemption.</p> <p>25 Q. Was that before May 30th?</p>
<p style="text-align: right;">31</p> <p>1 where we were. We did have -- we did have a few</p> <p>2 muster points, and one -- we typically would utilize</p> <p>3 a MnDOT building, so it could have been there, but I</p> <p>4 believe it was Shoreview.</p> <p>5 Q. You said you were told to make the rioting</p> <p>6 stop. Did I get that right?</p> <p>7 A. It was a comment that wasn't the -- that</p> <p>8 wasn't a general instruction towards everybody. It</p> <p>9 was very -- our directions were precise on what each</p> <p>10 squad would be doing.</p> <p>11 Q. And what would your squad be doing?</p> <p>12 A. We would -- were part of the group that</p> <p>13 would, for lack of a better term, whoever was in</p> <p>14 violation of the curfew would have been gathered and</p> <p>15 herded into an area where a mass arrest would</p> <p>16 happen.</p> <p>17 Q. Sure, thank you. So you were familiar with</p> <p>18 the curfew on May 30, 2020?</p> <p>19 A. Yes.</p> <p>20 Q. Were you familiar with any exemptions to</p> <p>21 the curfew?</p> <p>22 A. Yes.</p> <p>23 Q. And what exemptions were you familiar with?</p> <p>24 A. Press.</p> <p>25 Q. And what was the exemption for press? Can</p>	<p style="text-align: right;">33</p> <p>1 A. Yes.</p> <p>2 Q. So on May 30th, you were aware of the press</p> <p>3 exemption?</p> <p>4 A. Yes.</p> <p>5 Q. And your understanding is that other</p> <p>6 troopers were aware of or familiar with the press</p> <p>7 exemption?</p> <p>8 MR. WEINER: Objection, foundation.</p> <p>9 THE WITNESS: I can't speak for any other</p> <p>10 troopers.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. You mentioned that some media had been</p> <p>13 arrested; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And did you talk about those arrests with</p> <p>16 other troopers?</p> <p>17 A. After the fact, yes.</p> <p>18 Q. But before May 30th, did you talk about</p> <p>19 those arrests?</p> <p>20 A. Possibly in conversation, but nothing that</p> <p>21 I could say with whom or where.</p> <p>22 Q. And because of those arrests, someone made</p> <p>23 you aware not to arrest press or that they were</p> <p>24 exempt from the curfew; is that fair?</p> <p>25 A. Yes.</p>

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34	<p>1 Q. And made just you aware or other people on</p> <p>2 the MRT as well?</p> <p>3 MR. WEINER: Objection, foundation.</p> <p>4 THE WITNESS: I would assume it would be</p> <p>5 more than just myself.</p> <p>6 BY MS. WIESSNER:</p> <p>7 Q. So your understanding is that other</p> <p>8 troopers also knew about the exemption for the press</p> <p>9 by May 30th?</p> <p>10 MR. WEINER: Objection, calls for</p> <p>11 speculation, foundation.</p> <p>12 THE WITNESS: I would assume that they</p> <p>13 would know that press was exempt, yes.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. Why would you assume that?</p> <p>16 A. Because I held no standing other than an</p> <p>17 MRT trooper, so typically the information that would</p> <p>18 be given to myself would have been given to other</p> <p>19 people, generally at the briefings or debriefings.</p> <p>20 Q. Sure. And so is it fair to say that there</p> <p>21 was some negative reaction or blowback about those</p> <p>22 media arrests before May 30th?</p> <p>23 MR. WEINER: Objection, calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: Yes.</p>	36
35	<p>1 BY MS. WIESSNER:</p> <p>2 Q. And that got around to the rest of the</p> <p>3 troopers that there was a negative reaction or</p> <p>4 blowback about media being arrested; right?</p> <p>5 A. I believe so.</p> <p>6 Q. And for that reason, you were instructed to</p> <p>7 protect the media's rights or not to arrest media?</p> <p>8 MR. WEINER: Objection, calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: Not to arrest.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. I want to go back to the specific</p> <p>13 deployment to the Fifth Precinct on May 30th. Do</p> <p>14 you recall how you got to the Fifth Precinct?</p> <p>15 A. By Metro Transit bus.</p> <p>16 Q. Did you take those buses often during the</p> <p>17 George Floyd operation?</p> <p>18 A. That was our transportation generally.</p> <p>19 Occasionally we might have -- if we just had -- I</p> <p>20 don't recall ever using a squad for transportation</p> <p>21 of myself or any other MRT members, but I would say</p> <p>22 it was all bus.</p> <p>23 Q. Sure.</p> <p>24 MS. WIESSNER: And I'm going to introduce</p> <p>25 an exhibit for this next set of questions that we'll</p>	37

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38	<p>1 A. No.</p> <p>2 Q. Did you typically line up with your squads,</p> <p>3 by squad?</p> <p>4 A. Yes.</p> <p>5 Q. I'll also represent to you that Carolyn and</p> <p>6 Molly were to the west, or if you're looking at the</p> <p>7 photos, to the right, with a group of journalists</p> <p>8 near the Metro Transit Center garage wall. Carolyn</p> <p>9 appears in these first two photos. Do you see a</p> <p>10 person with a pink gas mask and a helmet on?</p> <p>11 A. Yes.</p> <p>12 Q. Have you seen Carolyn Cole in-person ever?</p> <p>13 A. No.</p> <p>14 Q. I'll represent to you that that is Carolyn</p> <p>15 Cole. Are you familiar with the area that I'm</p> <p>16 referring to when I say near the Metro Transit</p> <p>17 Center garage wall?</p> <p>18 A. No.</p> <p>19 Q. So if you are in the line of troopers</p> <p>20 facing the crowd, I'll represent to you it's to the</p> <p>21 left, which is the west. Does that make sense?</p> <p>22 A. In the photo is what we're --</p> <p>23 Q. So I would say actually in-person, if</p> <p>24 you're standing in the line of troopers, Carolyn and</p> <p>25 Molly were to the left or the west. Does that make</p>	40	<p>1 speculation.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MS. WIESSNER:</p> <p>4 Q. For example, if someone had a large network</p> <p>5 television camera, would that help you identify them</p> <p>6 as press?</p> <p>7 A. I think that's a fair assumption, that I</p> <p>8 would think that that would be a member of the</p> <p>9 press.</p> <p>10 Q. If someone had professional cameras and a</p> <p>11 camera bag, would that help you identify them as</p> <p>12 press?</p> <p>13 A. Yeah. Yes.</p> <p>14 Q. And if someone said media, press or</p> <p>15 journalist, would that help you identify them as</p> <p>16 press?</p> <p>17 A. Yes.</p> <p>18 Q. Did you discuss that media or journalists</p> <p>19 would be present on May 30th before or during your</p> <p>20 deployment to the Fifth Precinct?</p> <p>21 A. I can't recall specifically, but the</p> <p>22 assumption would be that there was press.</p> <p>23 Q. And why would that be the assumption?</p> <p>24 A. Because it was a world-changing event and</p> <p>25 there was press everywhere and people wanted to be</p>
39	<p>1 sense?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall, when you lined up on May 30,</p> <p>4 2020, seeing that area to the left or the west?</p> <p>5 A. Not specifically, no.</p> <p>6 Q. Carolyn and Molly testified that they were</p> <p>7 with other journalists. Did you know that there was</p> <p>8 a group of journalists present on May 30, 2020?</p> <p>9 A. No.</p> <p>10 Q. You said you were given orders not to</p> <p>11 arrest media or journalists before this operation;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Were you told how to identify media or</p> <p>15 journalists?</p> <p>16 A. From what I recall, it was if they had</p> <p>17 something that identified them as press. It could</p> <p>18 have been a lanyard and identification card or a</p> <p>19 T-shirt, but from what I recall and my understanding</p> <p>20 was if they appeared to be press, we're not checking</p> <p>21 -- we're not checking ID. If they look like press,</p> <p>22 they're press.</p> <p>23 Q. Sure. Would professional equipment help</p> <p>24 you identify press?</p> <p>25 MR. WEINER: Objection, calls for</p>	41	<p>1 informed of what was going on.</p> <p>2 Q. And you had seen press at other events you</p> <p>3 had been deployed to during the George Floyd</p> <p>4 operation period?</p> <p>5 A. Yes.</p> <p>6 Q. And how did you know they were press in</p> <p>7 those instances?</p> <p>8 A. It would be the common, you know,</p> <p>9 indicators of the say identification cards or</p> <p>10 identification around their neck, or if they had</p> <p>11 some sort of -- something that would identify them</p> <p>12 as press, CNN on a shirt maybe or something that</p> <p>13 would indicate to a reasonable person that that</p> <p>14 person would be press.</p> <p>15 Q. Sure. And when you lined up on May 30th,</p> <p>16 you don't recall one way or the other if you saw</p> <p>17 people who were press?</p> <p>18 A. I don't recall one way or the other, no.</p> <p>19 Our job was to follow the instruction that we were</p> <p>20 given from whoever was leading that squad or that</p> <p>21 platoon.</p> <p>22 Q. Do you know that members of the MRT used</p> <p>23 force on media or journalists near the Metro Transit</p> <p>24 Center garage on May 30, 2020?</p> <p>25 A. For your question, are -- do you mean after</p>

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<p style="text-align: right;">42</p> <p>1 the fact or during that incident?</p> <p>2 Q. As you sit here today, have you come to</p> <p>3 understand or know that the MRT used force on media</p> <p>4 or journalists near the Metro Transit Center garage</p> <p>5 on May 30th?</p> <p>6 A. I have been told that there -- that there</p> <p>7 was force used on press by the MR -- members,</p> <p>8 unknown members, of the MRT.</p> <p>9 Q. Who told you that?</p> <p>10 A. I think that I kind of gathered it from the</p> <p>11 beginning of the -- from the -- prior to the first</p> <p>12 deposition.</p> <p>13 Q. So you know that because of this lawsuit or</p> <p>14 a part of this lawsuit?</p> <p>15 A. Right. I don't recall any specific other</p> <p>16 -- specific conversations in regards to that.</p> <p>17 Q. Sure. Did you know on May 30th or shortly</p> <p>18 thereafter that members of the MRT used force on</p> <p>19 journalists or the media on May 30th?</p> <p>20 A. I don't recall.</p> <p>21 Q. Did you discuss journalists being injured</p> <p>22 or having force used on them at the Fifth Precinct,</p> <p>23 either that day or in the following days?</p> <p>24 A. I -- sorry, my chair is squeaking. I don't</p> <p>25 recall about the day of or the following days. It</p>	<p style="text-align: right;">44</p> <p>1 A. I -- I don't -- I don't recall</p> <p>2 specifically. I'm -- it's unfortunate.</p> <p>3 Q. Do you recall overhearing anyone discussing</p> <p>4 journalists or media having force used on them on</p> <p>5 May 30th?</p> <p>6 A. I don't recall any specific conversations.</p> <p>7 Q. Did people laugh about the media being</p> <p>8 injured or having force used on them on May 30th?</p> <p>9 MR. WEINER: Objection, vague. You can</p> <p>10 answer.</p> <p>11 THE WITNESS: It's possible.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. Do you recall telling Carolyn Cole that</p> <p>14 people were laughing about journalists having force</p> <p>15 used on them or getting injured on May 30th?</p> <p>16 A. Yes, and I -- I don't hesitate on that</p> <p>17 answer for any other reason than I can't specify</p> <p>18 where, how or when that was heard. When Carol and I</p> <p>19 were discussing it, of course we're having a</p> <p>20 conversation and I was not giving a deposition,</p> <p>21 where I feel comfortable saying yes or no very</p> <p>22 confidently, if that makes sense.</p> <p>23 Q. Yes, that makes total sense.</p> <p>24 A. Okay.</p> <p>25 Q. What I'll ask is, just to the best of your</p>
<p style="text-align: right;">43</p> <p>1 would be more from news stories, I would say. We</p> <p>2 were pretty out of touch with -- we were -- excuse</p> <p>3 me, let me -- we were very focused on what our task</p> <p>4 was at hand.</p> <p>5 Typically, as troopers, we work individually</p> <p>6 and we're self initiated. But when we transfer over</p> <p>7 to the MRT team, it's a completely different -- you</p> <p>8 don't do anything unless you're instructed to do</p> <p>9 something, period. You wait for commands and then</p> <p>10 you move on those commands.</p> <p>11 Q. So when you say news stories, you saw news</p> <p>12 stories about press or media having force used on</p> <p>13 them. Is that what you're saying?</p> <p>14 A. I don't recall specific news stories, but</p> <p>15 if it were, you know, say if -- I recall vaguely</p> <p>16 there was a reporter who had -- there was a</p> <p>17 projectile that had, I believe, hit a reporter in</p> <p>18 the eye, and I believe that was from a news -- a</p> <p>19 news story or something. It wasn't anything that I</p> <p>20 witnessed or knew how that happened or if it was</p> <p>21 even tied into our MRT team, but, you know, other</p> <p>22 than that, I don't recall any specific conversations</p> <p>23 in regards to force used on the press.</p> <p>24 Q. What was your reaction to a news story</p> <p>25 about a journalist being hit in the head or the eye?</p>	<p style="text-align: right;">45</p> <p>1 recollection, what were you referring to when you</p> <p>2 said people were laughing? Were you referring, for</p> <p>3 example, to the MRT laughing?</p> <p>4 A. Most likely, yeah. There was -- there was</p> <p>5 -- those potential conversations with people who</p> <p>6 maybe didn't have as much professionalism or empathy</p> <p>7 for other human beings as those of us who were not</p> <p>8 discussing those things or behaving in a manner as</p> <p>9 such.</p> <p>10 Q. So generally, without naming names, you</p> <p>11 recall people on the MRT laughing and lacking</p> <p>12 empathy towards journalists who were injured or had</p> <p>13 force used on them; is that --</p> <p>14 A. Yes.</p> <p>15 MR. WEINER: Objection, vague.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. WIESSNER:</p> <p>18 Q. Do you recall that being specific to</p> <p>19 May 30th where journalists were injured or had force</p> <p>20 used on them?</p> <p>21 A. I don't recall the specifics. Excuse me.</p> <p>22 Q. Did you discuss other incidents where the</p> <p>23 State Patrol used force on the media with other</p> <p>24 members of the MRT?</p> <p>25 A. Force -- I would say -- there was an</p>

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46	<p>1 incident I know that a CNN reporter had gotten</p> <p>2 arrested, and I believe that was day one when we</p> <p>3 were -- on Wednesday, prior to anybody being aware</p> <p>4 of -- that the press was not -- they don't fall</p> <p>5 under the umbrella of civilians in a civil unrest.</p> <p>6 Q. Sure. And is that CNN reporter Omar</p> <p>7 Jimenez? Do you recall his name?</p> <p>8 A. I do not recall his name. I do -- Oh, I'm</p> <p>9 sorry.</p> <p>10 Q. No, you go ahead.</p> <p>11 A. I do believe that it was two -- it was --</p> <p>12 it was Jason Engeldinger and Jason Hanson from --</p> <p>13 Jason Hanson is, or was when I departed the patrol,</p> <p>14 a lieutenant in Duluth. I don't recall -- or I</p> <p>15 don't know his current position. But I believe</p> <p>16 those were the two. I mean you can see it online,</p> <p>17 it's right on camera, they arrested him.</p> <p>18 Q. And you recall that those two were involved</p> <p>19 in that arrest?</p> <p>20 A. Yes.</p> <p>21 Q. How did you find out about that arrest?</p> <p>22 A. Because troopers were discussing it.</p> <p>23 Q. What were troopers saying about it?</p> <p>24 A. That they arrested somebody right on camera</p> <p>25 and it was -- it was during the -- the day, not</p>	48	<p>1 MS. WIESSNER: I'm going to introduce a new</p> <p>2 exhibit, then, so this will be Exhibit 3.</p> <p>3 (Exhibit Number 3 marked.)</p> <p>4 BY MS. WIESSNER:</p> <p>5 Q. I'll represent to you these are a</p> <p>6 collection of photos from the shared Google photo</p> <p>7 album that you sent to Carolyn Cole.</p> <p>8 A. Okay.</p> <p>9 Q. I'll have you turn to photos 12 and 13.</p> <p>10 You'll see numbers at the bottom of the page.</p> <p>11 MR. WEINER: Counsel, what's the file</p> <p>12 number or file name of this photo?</p> <p>13 MS. WIESSNER: I don't have the file number</p> <p>14 or file name.</p> <p>15 MR. WEINER: Okay, we're going to need</p> <p>16 that, so during the next break, if you could get</p> <p>17 that for us, that would be great.</p> <p>18 MS. WIESSNER: Sure.</p> <p>19 MR. WEINER: For all of these photos.</p> <p>20 BY MS. WIESSNER:</p> <p>21 Q. If you could turn to photo 13. Do you see</p> <p>22 the small version of the photo of Omar Jimenez being</p> <p>23 arrested?</p> <p>24 A. Yes.</p> <p>25 Q. Do you see that it is labeled at the</p>
47	<p>1 necessarily like the briefing or debriefing, but it</p> <p>2 was during the time that we were informed that media</p> <p>3 was not to be interfered with.</p> <p>4 Q. Sure. Were troopers laughing about that</p> <p>5 arrest?</p> <p>6 A. Yes.</p> <p>7 Q. What was the general reaction to Omar</p> <p>8 Jimenez being arrested?</p> <p>9 A. It was more so -- more like how did that</p> <p>10 happen, how did the -- how did they -- how did we</p> <p>11 not know that that was not something that should</p> <p>12 have happened.</p> <p>13 Q. Were troopers angry about it?</p> <p>14 MR. WEINER: Objection, vague.</p> <p>15 THE WITNESS: I am sure that there were</p> <p>16 troopers that thought how did this happen, like now</p> <p>17 we look dumb. But I can't tell you specifically.</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. Do you recall putting up a photo of that</p> <p>20 arrest in the shared Google album?</p> <p>21 A. I don't remember if it was my photo or if</p> <p>22 it was somebody else's photo, to be perfectly honest</p> <p>23 with you. It might have been something I put on</p> <p>24 there or someone else. I do not know.</p> <p>25 Q. Sure.</p>	49	<p>1 bottom, "Tesa Johnson"?</p> <p>2 A. Yes.</p> <p>3 Q. And that means that you put up this photo;</p> <p>4 right?</p> <p>5 A. It does.</p> <p>6 Q. If we turn to photo 12, the larger version</p> <p>7 of this photo, is this the CNN arrest you were</p> <p>8 referring to?</p> <p>9 A. Yes, it was.</p> <p>10 Q. And you can see that it has a news chyron</p> <p>11 on the bottom; right?</p> <p>12 A. The -- Are you referring to what I would</p> <p>13 think of as like a ticker?</p> <p>14 Q. Yes, the ticker.</p> <p>15 A. Okay, yes.</p> <p>16 Q. So this was on TV; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And this photo was added to the shared</p> <p>19 album; is that correct?</p> <p>20 A. It was, yes.</p> <p>21 Q. Do you know when you added this photo?</p> <p>22 A. I do not.</p> <p>23 Q. Why did you put this photo up in the group?</p> <p>24 A. I put all of the photos that I had up in</p> <p>25 the group.</p>

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50	<p>1 Q. Does anything stand out to you about this</p> <p>2 one or this incident?</p> <p>3 A. Well, yeah, they're arresting a reporter</p> <p>4 that they shouldn't have been.</p> <p>5 Q. What makes you say that they shouldn't have</p> <p>6 been?</p> <p>7 A. As we found out afterwards, we were told</p> <p>8 that media was exempt from the -- media was exempt</p> <p>9 from the curfew, media was exempt from -- they were</p> <p>10 -- they had a right to be there.</p> <p>11 Q. Were you putting this photo up because you</p> <p>12 thought the arrest was funny?</p> <p>13 A. I would say it more so how did a captain</p> <p>14 and lieutenant arrest a member of the media without</p> <p>15 knowing.</p> <p>16 Q. I'd like to return to your recollection of</p> <p>17 the operation on May 30th. Did you use force on</p> <p>18 May 30th outside the Fifth Precinct?</p> <p>19 A. There was -- and I don't know if it was</p> <p>20 outside of the Fifth Precinct because we were -- my</p> <p>21 squad was part of the squads that were, again,</p> <p>22 herding people from the areas into -- whoever was</p> <p>23 still there, we had different squads in different</p> <p>24 areas, and we marched in our lines and pushed</p> <p>25 everybody to where they needed to be.</p>
51	<p>1 Q. Do you recall using force to push people to</p> <p>2 where they need to be?</p> <p>3 A. I would say that -- absolutely, because</p> <p>4 just even our presence is the base of -- you know,</p> <p>5 more of a just a base level of force, just the</p> <p>6 uniform. But as we would march, you know, if</p> <p>7 somebody was in front of us, we didn't stop. That</p> <p>8 was our training.</p> <p>9 Q. So the force you recall using was physical</p> <p>10 presence; is that right?</p> <p>11 A. Mm-hmm (nodding head).</p> <p>12 Q. Did you use your baton to push people?</p> <p>13 A. It's a distinct possibility.</p> <p>14 Q. Did you use your Mark 9 or pepper spray?</p> <p>15 A. No.</p> <p>16 Q. Do you know anyone who did use their Mark 9</p> <p>17 or pepper spray?</p> <p>18 A. I don't -- I can't say whether specifically</p> <p>19 anybody did.</p> <p>20 Q. You don't recall seeing anyone using their</p> <p>21 Mark 9 or pepper spray?</p> <p>22 A. I -- only one Minneapolis officer I recall</p> <p>23 see -- and that was a different day, and it wasn't</p> <p>24 anything related to the -- or related to this day.</p> <p>25 Q. So on May 30th, you didn't see anyone use</p>
52	<p>1 their Mark 9 or pepper spray?</p> <p>2 A. Correct.</p> <p>3 Q. Do you know that Lieutenant Mike Eck pepper</p> <p>4 sprayed journalists outside of the Fifth Precinct on</p> <p>5 May 30, 2020?</p> <p>6 MR. WEINER: Objection, assumes facts not</p> <p>7 in evidence.</p> <p>8 THE WITNESS: I don't -- I cannot testify</p> <p>9 whether or not he did.</p> <p>10 BY MS. WIESSNER:</p> <p>11 Q. Are you aware that as part of this lawsuit,</p> <p>12 it is alleged Mike Eck used pepper spray on our</p> <p>13 clients outside of the Fifth Precinct on May 30,</p> <p>14 2020?</p> <p>15 A. I am aware of that, yes.</p> <p>16 Q. You did not see that happen?</p> <p>17 A. Correct.</p> <p>18 Q. Did you speak to Lieutenant Eck about using</p> <p>19 pepper spray on journalists?</p> <p>20 A. Not that I recall, no.</p> <p>21 Q. Did you speak to anyone else about</p> <p>22 Lieutenant Eck using pepper spray on journalists?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Do you know that it is alleged in this</p> <p>25 lawsuit that Ben Lockman pepper sprayed journalists</p>
53	<p>1 outside of the Fifth Precinct on May 30, 2020?</p> <p>2 A. I am not.</p> <p>3 Q. And you wouldn't recognize him if he were</p> <p>4 in this room; right?</p> <p>5 A. It's possible I might recognize his face,</p> <p>6 but with it being over 600 troopers, sometimes it's</p> <p>7 difficult to separate everybody.</p> <p>8 Q. But fair to say, you don't recall seeing</p> <p>9 Trooper Lockman use pepper spray on journalists?</p> <p>10 A. No.</p> <p>11 Q. Did you speak to anyone about Trooper</p> <p>12 Lockman using pepper spray on journalists?</p> <p>13 A. No.</p> <p>14 Q. Do you recall speaking to either Lieutenant</p> <p>15 Eck or Trooper Lockman at all about the operation on</p> <p>16 May 30th?</p> <p>17 A. Nothing -- I don't recall anything</p> <p>18 specific.</p> <p>19 Q. And I know you said you didn't observe</p> <p>20 anyone using Mark 9 on May 30th. Are you aware of</p> <p>21 anyone else outside of the Fifth Precinct using</p> <p>22 their Mark 9 pepper spray on media or journalists?</p> <p>23 A. I am not aware.</p> <p>24 Q. Are you aware of anyone who had -- who was</p> <p>25 pepper sprayed outside of the Fifth Precinct on</p>

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54	<p>1 May 30th who's not a journalist?</p> <p>2 MR. WEINER: Objection, vague as to</p> <p>3 outside. Do you mean outside of the date or do you</p> <p>4 mean physically outside of the Fifth Precinct?</p> <p>5 MS. WIESSNER: Sure, I'll rephrase the</p> <p>6 question.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Are you aware of anyone who is not a member</p> <p>9 of the media or not a journalist who was pepper</p> <p>10 sprayed on May 30, 2020, outside of the Fifth</p> <p>11 Precinct?</p> <p>12 A. I do not recall.</p> <p>13 Q. So to the best of your knowledge, only</p> <p>14 media or journalists were pepper sprayed that day?</p> <p>15 A. That --</p> <p>16 MR. WEINER: Objection, assumes facts not</p> <p>17 in evidence and requires speculation, but go ahead.</p> <p>18 THE WITNESS: I don't recall any other</p> <p>19 conversation about anybody getting pepper sprayed</p> <p>20 outside the Fifth Precinct that evening.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. But you have come to understand that force</p> <p>23 was used on journalists and that journalists were</p> <p>24 pepper sprayed outside the Fifth Precinct on May 30,</p> <p>25 2020; right?</p>	56	<p>1 Q. Sure. Based on the videos and evidence</p> <p>2 you've seen, do you think that the force used on</p> <p>3 journalists, including pepper spraying them, was</p> <p>4 appropriate?</p> <p>5 MR. WEINER: Same objection.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Why not?</p> <p>9 A. If we had instructions to allow press to be</p> <p>10 where they felt they needed to be or behind the</p> <p>11 lines, it was our job to allow that, not use force.</p> <p>12 Q. So your understanding of your orders or</p> <p>13 instructions would include not pepper spraying</p> <p>14 journalists?</p> <p>15 A. Correct.</p> <p>16 Q. And if a trooper pepper sprayed journalists</p> <p>17 on May 30th, they were violating the orders they</p> <p>18 were given?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall a whole group briefing before</p> <p>21 deploying to the Fifth Precinct that day?</p> <p>22 A. I don't recall specifically.</p> <p>23 Q. But possibly that was at Shoreview or Arden</p> <p>24 Hills?</p> <p>25 A. Yes.</p>
55	<p>1 A. Correct.</p> <p>2 Q. And in preparation for your last</p> <p>3 deposition, you watched videos of that incident;</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. So you've seen videos of journalists or</p> <p>7 media being pepper sprayed outside of the Fifth</p> <p>8 Precinct; right?</p> <p>9 A. If that's what the video showed, then yes,</p> <p>10 I am -- it was nearly a year ago and -- but I know I</p> <p>11 did review videos before -- prior to the first</p> <p>12 deposition.</p> <p>13 Q. Do you think, based on those videos, that</p> <p>14 the force used on the journalists that day,</p> <p>15 including pepper spraying them, was appropriate?</p> <p>16 MR. WEINER: Objection, calls for a legal</p> <p>17 conclusion.</p> <p>18 THE WITNESS: If they were pepper sprayed,</p> <p>19 as we were instructed that they were -- they were to</p> <p>20 be allowed to move about, be behind the lines or</p> <p>21 they were -- they had the right to be there, so --</p> <p>22 I'm sorry, I got a little off track there for a</p> <p>23 moment, but can you -- can you tell me the question</p> <p>24 again?</p> <p>25 BY MS. WIESSNER:</p>	57	<p>1 Q. You don't recall any specifics about that</p> <p>2 briefing?</p> <p>3 A. Correct.</p> <p>4 Q. You do recall being told to end it; is that</p> <p>5 correct?</p> <p>6 A. Fucking end it.</p> <p>7 Q. Do you recall when you were told to fucking</p> <p>8 end it?</p> <p>9 A. It was prior -- I don't know if it was the</p> <p>10 day of, but it was prior to that Sat -- the 30th.</p> <p>11 Q. So it was your understanding on May 30th</p> <p>12 that one of your orders or part of your orders was</p> <p>13 to fucking end it?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall who said to fucking end it?</p> <p>16 A. I do not.</p> <p>17 Q. Do you recall hearing the term shock and</p> <p>18 awe?</p> <p>19 A. Yes.</p> <p>20 Q. What can you tell me about that term?</p> <p>21 A. That it had been used in reference to the</p> <p>22 30th, but who or when, I don't recall.</p> <p>23 Q. What did you understand shock and awe to</p> <p>24 mean?</p> <p>25 A. I would -- I would say it was probably in</p>

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58	<p>1 reference to ending the civil unrest. Shock and awe</p> <p>2 perhaps in regards to the means that we would have</p> <p>3 to go -- the means of what we were trained to do to</p> <p>4 end the civil unrest. I don't specifically know,</p> <p>5 but, you know, it could have been in reference to</p> <p>6 less lethal munitions, our ability to or what we've</p> <p>7 been trained to do in those sort of situations.</p> <p>8 Q. When you say means, are you referring to</p> <p>9 using force?</p> <p>10 A. Well, again, the way that -- that we were</p> <p>11 trained with the use of force continuum would be</p> <p>12 just presence is going to be force. So it would --</p> <p>13 I would say that, yeah, it would be in reference to</p> <p>14 use of force because, again, just our presence is</p> <p>15 the baseline of force.</p> <p>16 Q. Would you consider your presence to be a</p> <p>17 shock and awe level of force?</p> <p>18 A. No.</p> <p>19 Q. So what is a shock and awe level of force?</p> <p>20 A. Maybe -- it could be something that</p> <p>21 civilians wouldn't expect, maybe.</p> <p>22 Q. What wouldn't civilians expect?</p> <p>23 MR. WEINER: Objection, calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: I think after the nights</p>	60	<p>1 Q. I believe we've covered this somewhat, but</p> <p>2 do you recall any specific discussions about the</p> <p>3 media during the May 30th briefing?</p> <p>4 A. I don't recall specifically.</p> <p>5 Q. But you do recall at some briefing, you're</p> <p>6 not sure which one, before May 30th, being given</p> <p>7 instructions about the media?</p> <p>8 A. Yes.</p> <p>9 MR. WEINER: Objection, misstates</p> <p>10 testimony.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. And those instructions included not using</p> <p>13 force on or arresting journalists under the curfew;</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. We've established you didn't see this on</p> <p>17 May 30th, but on other days besides May 30th, did</p> <p>18 you see members of the State Patrol or MIT (sic)</p> <p>19 using force on members of the media, besides the</p> <p>20 Omar Jimenez arrest?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you have a sense of any negative</p> <p>23 feelings towards the media amongst troopers during</p> <p>24 the George Floyd operation?</p> <p>25 MR. WEINER: Objection, calls for</p>
59	<p>1 previous, they -- the nights previous, there -- the</p> <p>2 munitions and less lethal was used and -- but I</p> <p>3 think more so with rounding those who were not</p> <p>4 abiding by the curfew, rounding those individuals up</p> <p>5 and having them arrested as they were expecting is</p> <p>6 -- I can't -- I can't specifically say what was</p> <p>7 meant by the shock and awe because I don't -- I</p> <p>8 didn't say it, I don't recall exactly who said it,</p> <p>9 so I don't know what their intention would have</p> <p>10 been.</p> <p>11 But that would be my assumption, would be shock</p> <p>12 and awe is going to be we're going to -- this is</p> <p>13 what we're going to do, we're going to round people</p> <p>14 up, we got buses, they're going on the buses,</p> <p>15 they're getting arrested. This is going to -- we're</p> <p>16 going to, you know, calm things down so people are</p> <p>17 safe.</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. Sure, and I'm not trying to trick you. I'm</p> <p>20 just trying to clarify, you know, does shock and awe</p> <p>21 mean a lot of force?</p> <p>22 MR. WEINER: Objection, calls for</p> <p>23 speculation.</p> <p>24 THE WITNESS: That, I don't know.</p> <p>25 BY MS. WIESSNER:</p>	61	<p>1 speculation.</p> <p>2 THE WITNESS: I don't recall.</p> <p>3 BY MS. WIESSNER:</p> <p>4 Q. Did you have negative feelings about the</p> <p>5 media or journalists during the George Floyd</p> <p>6 operation?</p> <p>7 A. Nothing that pops up in my -- in my mind.</p> <p>8 I know that there, you know, was a sense of, okay,</p> <p>9 we have extra people now that we have to be aware of</p> <p>10 and that we have to make sure that are either --</p> <p>11 that they don't get mixed up in the mess of what</p> <p>12 else we were dealing with, but nothing -- nothing</p> <p>13 negative in my head. We were just trying to not</p> <p>14 watch the city burn down.</p> <p>15 Q. Did you or other troopers feel like the</p> <p>16 media or journalists were getting in the way of you</p> <p>17 stopping the city from burning down?</p> <p>18 MR. WEINER: Objection, calls for</p> <p>19 speculation.</p> <p>20 THE WITNESS: I don't recall anything</p> <p>21 specific like that that was discussed.</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. Do you recall discussing or overhearing</p> <p>24 anyone discuss the media coverage of the protests</p> <p>25 being negative or biased?</p>

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62	<p>1 A. Oh, I'm sure there was conversations. I</p> <p>2 think that's a standard conversation that law</p> <p>3 enforcement has back and forth on both sides.</p> <p>4 Q. Can you tell me what you mean by that?</p> <p>5 A. Because things can be reported differently</p> <p>6 on either side, so, of course, you know, there was</p> <p>7 -- there could have been news that was portrayed as,</p> <p>8 you know, the law enforcement was power hungry,</p> <p>9 aggressive, or you could switch on the same channel</p> <p>10 to the same story and it was about the civilians who</p> <p>11 were, you know, rioting. So it's -- I think that's</p> <p>12 more of an umbrella thing towards media.</p> <p>13 Q. So you recall discussions amongst troopers</p> <p>14 about the media being biased in both directions; is</p> <p>15 that fair?</p> <p>16 A. I would say that's fair. I can't testify</p> <p>17 to any specific conversations.</p> <p>18 Q. Do you recall any comments from troopers or</p> <p>19 members of the State Patrol about the media?</p> <p>20 A. Nothing specific.</p> <p>21 Q. Do you recall if there were any other</p> <p>22 photos of journalists being arrested or having force</p> <p>23 used on them in your Google shared photo album</p> <p>24 besides the photo of Omar Jimenez?</p> <p>25 A. I don't know.</p>
63	<p>1 Q. We touched on this briefly, but do you</p> <p>2 think the arrest of Omar Jimenez was appropriate?</p> <p>3 A. In hindsight, no.</p> <p>4 Q. Why not?</p> <p>5 A. Because in hindsight then, you know, we --</p> <p>6 it was brought to the attention that media was</p> <p>7 exempt.</p> <p>8 Q. So outside of the curfew, in a world in</p> <p>9 which there was no curfew, would arresting Omar</p> <p>10 Jimenez be appropriate?</p> <p>11 MR. WEINER: Objection, calls for</p> <p>12 speculation.</p> <p>13 THE WITNESS: No, because he was press.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. And why is it inappropriate to arrest</p> <p>16 press?</p> <p>17 A. Press is exempt. They have the right to be</p> <p>18 there to report.</p> <p>19 Q. Is it appropriate to use force on</p> <p>20 journalists?</p> <p>21 A. If they're in the -- if they're in the</p> <p>22 normal mode of their -- of what their job</p> <p>23 description is, if they're just reporting, then no</p> <p>24 because that's exempt.</p> <p>25 If they are participating in some sort of civil</p>
64	<p>1 unrest or breaking the law, then that's a different</p> <p>2 story. But if we're talking just them in there</p> <p>3 doing their job, then they're exempt.</p> <p>4 Q. Sure, and that's a good clarification. You</p> <p>5 know, I would agree. If a reporter throws a bottle</p> <p>6 at an officer, you can use force on that person and</p> <p>7 arrest them; right?</p> <p>8 A. Yes.</p> <p>9 Q. But law-abiding media, it's not appropriate</p> <p>10 to use force on them; right?</p> <p>11 A. Correct.</p> <p>12 MS. WIESSNER: What do we think about</p> <p>13 taking a break now, Andy?</p> <p>14 MR. NOEL: Sure, yeah, I'm good for one.</p> <p>15 MS. WIESSNER: I think we're going to take</p> <p>16 a quick break.</p> <p>17 THE WITNESS: Okay.</p> <p>18 VIDEOGRAPHER: Going off the video record</p> <p>19 at 11:44 a.m.</p> <p>20 (A break was taken.)</p> <p>21 VIDEOGRAPHER: This is File 2, we're on the</p> <p>22 record at 11:52 a.m.</p> <p>23 BY MS. WIESSNER:</p> <p>24 Q. So Tesa, after the Omar Jimenez arrest,</p> <p>25 your understanding or orders were that the media</p>
65	<p>1 should be protected; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. That would include protected from using</p> <p>4 force?</p> <p>5 A. Yes.</p> <p>6 Q. And you gained that information in</p> <p>7 briefings and debriefings?</p> <p>8 A. Yes.</p> <p>9 Q. And then the media is subjected to force</p> <p>10 again on May 30th; correct?</p> <p>11 A. From what I have been --</p> <p>12 MR. WEINER: Objection, completely</p> <p>13 misstates the facts, but you can answer.</p> <p>14 THE WITNESS: From what I've been told.</p> <p>15 BY MS. WIESSNER:</p> <p>16 Q. And you recall people laughing about that;</p> <p>17 is that right?</p> <p>18 MR. WEINER: I'm sorry. Objection, vague.</p> <p>19 BY MS. WIESSNER:</p> <p>20 Q. You recall people laughing about the media</p> <p>21 being injured and subjected to force; right?</p> <p>22 A. Yes.</p> <p>23 Q. Does that indicate to you that some people</p> <p>24 weren't interested in protecting the media?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">66</p> <p>1 Q. Does that indicate some people were</p> <p>2 interested in purposely using force on the media?</p> <p>3 A. I don't know.</p> <p>4 Q. Was anyone disciplined for using force on</p> <p>5 the media that you're aware of?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. You mentioned that media could be pulled</p> <p>8 behind the line; is that right?</p> <p>9 A. I don't know if I said specifically pulled</p> <p>10 behind the line, but they were allowed to be behind</p> <p>11 our line.</p> <p>12 Q. So they were allowed to be behind the line</p> <p>13 either because they were pulled behind the line or</p> <p>14 because they weren't in the way of the line; is that</p> <p>15 fair?</p> <p>16 MR. WEINER: Objection, compound.</p> <p>17 THE WITNESS: The -- I guess a good way to</p> <p>18 describe it would be generally we were set up in a</p> <p>19 line and anybody behind us would have been our</p> <p>20 supervisors, our platoon leaders, our squad leaders.</p> <p>21 However, then when we were informed that the</p> <p>22 media was not applicable to them, then they were</p> <p>23 allowed to be behind us, which generally you don't</p> <p>24 have. You wouldn't have anybody behind you that</p> <p>25 wasn't part of MRT.</p>	<p style="text-align: right;">68</p> <p>1 multiple layers of people, so that second layer, if</p> <p>2 somebody was being pulled through, they're going to</p> <p>3 automatically just arrest those people because</p> <p>4 that's what we were trained to do. So around or</p> <p>5 just being behind, they would have -- that would</p> <p>6 have been okay.</p> <p>7 Q. So if media is off to the side and out of</p> <p>8 the way, the line can just pass them; right?</p> <p>9 A. Correct.</p> <p>10 Q. And if they're off to the side and out of</p> <p>11 the way, they shouldn't be arrested or have force</p> <p>12 used on them; right?</p> <p>13 A. That would be what my understanding would</p> <p>14 be.</p> <p>15 Q. Do you recall telling Carolyn Cole that the</p> <p>16 MRT knew that there were journalists present on</p> <p>17 May 30th?</p> <p>18 A. Yes, because we did -- we did know that</p> <p>19 there were -- journalists were there, we knew that.</p> <p>20 Q. And how did you know that?</p> <p>21 A. Because they had been there the entire</p> <p>22 time, and like I had mentioned previously, we knew</p> <p>23 that that was, you know, this was a big deal of what</p> <p>24 we were dealing with, and of course the -- I mean</p> <p>25 it's -- a reasonable person would know that the</p>
<p style="text-align: right;">67</p> <p>1 So if for some reason they were in front of the</p> <p>2 line and they -- I don't know if it would have been</p> <p>3 appropriate to pull them through the line or</p> <p>4 instruct them to go around, because generally when</p> <p>5 we pull somebody through the line, that's an arrest</p> <p>6 maneuver.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Sure, that makes a lot of sense. Thanks</p> <p>9 for clarifying. So the line can go around media;</p> <p>10 right?</p> <p>11 A. I would assume -- I mean generally</p> <p>12 speaking, but anybody that would have gone in</p> <p>13 between -- So the protocol when we were set up in a</p> <p>14 line would be anybody that would go in between</p> <p>15 troopers or those that were on the line, that's an</p> <p>16 arrest maneuver.</p> <p>17 So they would have been -- the assumption would</p> <p>18 have been that they were being arrested, if they</p> <p>19 went in between troopers. And the only time anybody</p> <p>20 went in between troopers is if we pulled them behind</p> <p>21 us. So my answer, based on what our training was,</p> <p>22 is that they would have been instructed to go</p> <p>23 around.</p> <p>24 Q. Yeah.</p> <p>25 A. Rather than anybody -- because we had</p>	<p style="text-align: right;">69</p> <p>1 media was there.</p> <p>2 Q. You also told Carolyn that the MRT knew the</p> <p>3 media was by the Metro Transit Center garage. Do</p> <p>4 you recall telling her that?</p> <p>5 A. No, but again, you know, knowing that there</p> <p>6 is -- like I said previously, there's a difference</p> <p>7 between what a person would say in a deposition</p> <p>8 because it's, yes, you know, definite, or a</p> <p>9 conversation. I can talk about a conversation that</p> <p>10 I had with Carol. The knowledge was that, yes, the</p> <p>11 general overall knowledge, so --</p> <p>12 Q. And I don't mean it as a gotcha question.</p> <p>13 A. I understand.</p> <p>14 Q. I do just want to clarify and have on the</p> <p>15 record what you meant when you said the MRT knew</p> <p>16 where the media was on May 30th.</p> <p>17 A. If you have eyeballs, you know where the</p> <p>18 media is.</p> <p>19 Q. So it was obvious to the troopers where the</p> <p>20 media was that day?</p> <p>21 MR. WEINER: Objection, calls for</p> <p>22 speculation.</p> <p>23 THE WITNESS: If they were following the</p> <p>24 instruction that they were given, then you would</p> <p>25 know.</p>

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70	<p>1 BY MS. WIESSNER:</p> <p>2 Q. You understand that we are here today</p> <p>3 because we received permission from the Court to</p> <p>4 depose you again; right?</p> <p>5 A. Yes.</p> <p>6 Q. And we asked the Court's permission because</p> <p>7 discovery, which is the time when we can take</p> <p>8 depositions, was over or had closed. Does that make</p> <p>9 sense?</p> <p>10 A. Yes.</p> <p>11 Q. So by the time you reached out to Carolyn,</p> <p>12 we could no longer ask you questions. You</p> <p>13 understand that?</p> <p>14 A. So I -- I guess --</p> <p>15 Q. I can be much more specific. Are you aware</p> <p>16 that we filed a motion with the Court asking</p> <p>17 permission to take your deposition today?</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware that Mr. Weiner opposed that</p> <p>20 motion on behalf of his clients, the State Patrol</p> <p>21 defendants?</p> <p>22 A. No.</p> <p>23 Q. So you did not read any of the filings</p> <p>24 related to that motion?</p> <p>25 A. I read the -- the letter that I was sent</p>	72	<p>1 A. Just the email that was sent to me and then</p> <p>2 the correspondence between myself and Marc, but that</p> <p>3 -- that's it.</p> <p>4 Q. I want to take a look at that opposition.</p> <p>5 MS. WIESSNER: It's a court filing, so I</p> <p>6 don't think we need to mark it as an exhibit since</p> <p>7 it's Docket 168 in this case, if everyone's okay</p> <p>8 with that.</p> <p>9 MR. WEINER: Actually, no, I think we do</p> <p>10 need to mark it. Apparently you've marked it up and</p> <p>11 you've done things to it that are not in there, so</p> <p>12 if that's the case, I would like it to be marked.</p> <p>13 MS. WIESSNER: Sure. Let's mark it as an</p> <p>14 exhibit. This will be 4.</p> <p>15 (Exhibit Number 4 marked.)</p> <p>16 BY MS. WIESSNER:</p> <p>17 Q. Tesa, would you mind looking at the last</p> <p>18 page of this, page 11?</p> <p>19 A. Sure. Page 11.</p> <p>20 Q. Do you see that this document is signed</p> <p>21 Joseph Weiner?</p> <p>22 A. Yes.</p> <p>23 Q. And he's with the assistant -- or he's an</p> <p>24 Assistant Attorney General?</p> <p>25 A. That's what it lists.</p>
71	<p>1 via email, it was attached to the email, that I</p> <p>2 wasn't being represented by this side because the</p> <p>3 assumption was my intentions were possibly at -- not</p> <p>4 lining with their clients'.</p> <p>5 MS. WIESSNER: I'll just wait for this.</p> <p>6 (Pause in proceedings for clock chiming.)</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. That was an email from Mr. Weiner?</p> <p>9 A. Correct.</p> <p>10 Q. When did you receive that email?</p> <p>11 A. Early this month.</p> <p>12 Q. Up until that point, was it your</p> <p>13 understanding that Mr. Weiner still represented you?</p> <p>14 A. I don't know.</p> <p>15 Q. But as you sit here today, you're not aware</p> <p>16 that Mr. Weiner opposed the motion on behalf of his</p> <p>17 clients to redepose you today?</p> <p>18 A. I was not aware, no.</p> <p>19 Q. And you did not read the filings related to</p> <p>20 that motion?</p> <p>21 A. If they were not sent to me, no, I did not</p> <p>22 read that.</p> <p>23 Q. I want to --</p> <p>24 A. I'm sorry.</p> <p>25 Q. No, you go ahead.</p>	73	<p>1 Q. So this is what I'm referring to as the</p> <p>2 opposition to deposing you today; okay?</p> <p>3 A. Okay.</p> <p>4 Q. I want to take a look at some of the things</p> <p>5 that Mr. Weiner included in this motion. Do you see</p> <p>6 on page 1 where I've highlighted --</p> <p>7 MR. WEINER: I'm going to stop for just a</p> <p>8 second and interpose on objection that there is zero</p> <p>9 relevance for this document or it has nothing to do</p> <p>10 with this lawsuit or what's being used here. But to</p> <p>11 that extent, please go ahead and ask all of your</p> <p>12 questions.</p> <p>13 MS. WIESSNER: Sure.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. Do you see that Mr. Weiner referred to you</p> <p>16 as a disgruntled former State Patrol employee?</p> <p>17 A. Yes.</p> <p>18 Q. Are you surprised to hear that?</p> <p>19 A. No.</p> <p>20 Q. Why not?</p> <p>21 A. Well, being -- I mean it gives a good</p> <p>22 argument of why he believes that this shouldn't be</p> <p>23 -- I shouldn't be redeposed. I can see why an</p> <p>24 attorney would say that.</p> <p>25 Q. How do you feel about an attorney saying</p>

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74	<p>1 that?</p> <p>2 A. You know, I've been through a lot in the</p> <p>3 past couple years, I'm pretty numb to most anything.</p> <p>4 Q. Do you agree with the characterization that</p> <p>5 you're here because you're a disgruntled former</p> <p>6 State Patrol employee?</p> <p>7 A. I would --</p> <p>8 MR. WEINER: Objection, mischaracterizes</p> <p>9 the document and misstates the document that's</p> <p>10 there. Go ahead, answer the question.</p> <p>11 THE WITNESS: I -- Can you ask the question</p> <p>12 again? I got distracted.</p> <p>13 BY MS. WIESSNER:</p> <p>14 Q. Do you agree with the characterization that</p> <p>15 you're a disgruntled former State Patrol employee?</p> <p>16 A. I -- I mean there's -- between myself and</p> <p>17 the State Patrol, yeah, there is a -- there's, I'd</p> <p>18 say, some hard feelings, absolutely. I don't</p> <p>19 disagree with that.</p> <p>20 Q. Sure. If you would turn to page 8.</p> <p>21 A. (Complies).</p> <p>22 Q. Do you see where I've highlighted, "Johnson</p> <p>23 is a discredited former State Patrol employee"?</p> <p>24 A. I see that.</p> <p>25 Q. Do you agree with that characterization?</p>
75	<p>1 A. I personally don't agree that I -- they may</p> <p>2 have claimed -- the state may have claimed that I'm</p> <p>3 discredited, but I would say that based on my</p> <p>4 opinion and many others', I'm not discredited.</p> <p>5 Q. Let's take a look at page 9. Do you see at</p> <p>6 the top where I've highlighted, "She has been</p> <p>7 diagnosed with PTSD and has indicated that her</p> <p>8 experience covering the riots was so traumatizing</p> <p>9 that she avoids the Twin Cities area. In this</p> <p>10 context, her deposition was stressful." Did I read</p> <p>11 that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Was your deposition in February stressful</p> <p>14 because you were traumatized by the riots?</p> <p>15 A. There's more reasons why it -- my</p> <p>16 deposition would be stressful.</p> <p>17 Q. So do you agree with that characterization?</p> <p>18 A. That my deposition was stressful based only</p> <p>19 on the riots?</p> <p>20 Q. Yes.</p> <p>21 A. Based only on the riots, no, I don't agree.</p> <p>22 There are many other reasons why a situation like</p> <p>23 this or the previous deposition is stressful for me.</p> <p>24 Q. Is today stressful because we are talking</p> <p>25 about the protests or riots in Minneapolis?</p>
76	<p>1 A. Partially, yes.</p> <p>2 Q. Why else is today stressful?</p> <p>3 A. It's -- without -- without speaking of my</p> <p>4 case that's almost finished, it's just about wrapped</p> <p>5 up, it is difficult for me to discuss work-related</p> <p>6 things because of what -- because of the things that</p> <p>7 I've experienced and gone through. It's not a</p> <p>8 trigger, but it does bring back a lot of feelings</p> <p>9 that have a tendency to cause me a lot of</p> <p>10 discomfort.</p> <p>11 Q. And are you referring there to your pending</p> <p>12 PTSD or disability claim when you say something is</p> <p>13 almost wrapped up?</p> <p>14 A. Correct, yes.</p> <p>15 Q. I do want to talk briefly about your</p> <p>16 termination from the State Patrol.</p> <p>17 A. Sure.</p> <p>18 Q. Are you represented by an attorney for</p> <p>19 anything related to your termination?</p> <p>20 A. No.</p> <p>21 Q. So that is all wrapped up?</p> <p>22 A. The termination is wrapped up, there's no</p> <p>23 -- there's no other cases or pending cases that are</p> <p>24 going to come about.</p> <p>25 Q. Sure. You didn't appeal your termination;</p>
77	<p>1 right?</p> <p>2 A. No. The reason I did not appeal my</p> <p>3 termination was because I couldn't do the job</p> <p>4 anymore.</p> <p>5 Q. And the incidents that led up to your</p> <p>6 termination took place in June to August of 2021;</p> <p>7 right?</p> <p>8 A. May to June of 2021.</p> <p>9 Q. May to June of 2021.</p> <p>10 A. Yes.</p> <p>11 Q. So that was about a year after the George</p> <p>12 Floyd operation and protests; right?</p> <p>13 A. Correct.</p> <p>14 MS. WIESSNER: We'll make this Exhibit 5</p> <p>15 now. We're going to take a look at your termination</p> <p>16 papers.</p> <p>17 (Exhibit Number 5 marked.)</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. Do you recognize this document?</p> <p>20 A. Yes.</p> <p>21 Q. It's addressed to you; right?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see it's signed by Colonel Langer?</p> <p>24 A. Yes.</p> <p>25 Q. Do you see the date is April 14, 2022?</p>

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78	<p>1 A. Yes.</p> <p>2 Q. So you were correct about the date; right?</p> <p>3 2022?</p> <p>4 A. Yes.</p> <p>5 Q. You were right at the beginning of the</p> <p>6 deposition.</p> <p>7 Now, these are the -- this is the notice and</p> <p>8 papers related to your termination; correct?</p> <p>9 A. I believe so.</p> <p>10 Q. Go ahead and take a look and confirm.</p> <p>11 A. (Reviewing document). It appears so.</p> <p>12 Q. Were you interviewed by internal affairs as</p> <p>13 part of the investigation related to your</p> <p>14 termination?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall who interviewed you?</p> <p>17 A. The initial interview was Pete Goman.</p> <p>18 Q. You say initial interview. Were there</p> <p>19 multiple interviews?</p> <p>20 A. I don't believe so. I believe that was the</p> <p>21 only interview, and then it was the finalization was</p> <p>22 the 14th.</p> <p>23 Q. Do you know who else was interviewed as</p> <p>24 part of the investigation?</p> <p>25 A. I believe Chad Kucza. Koski, I'm trying to</p>	80	<p>1 Q. If you'd look at the last page of this</p> <p>2 document, which is 5 of 5.</p> <p>3 A. (Complies).</p> <p>4 Q. Do you see that it's signed by Lieutenant</p> <p>5 Colonel Rochelle Schrofer?</p> <p>6 A. Yes.</p> <p>7 Q. Did you speak to her about your</p> <p>8 termination?</p> <p>9 A. I don't believe -- I don't believe there</p> <p>10 was a one-on-one conversation.</p> <p>11 Q. Was there a group conversation?</p> <p>12 A. There was a -- I believe it's called a</p> <p>13 Lattimer, Loudemeer (sic) meeting, where it was</p> <p>14 optional for me to be there, and I went and it was</p> <p>15 -- they reviewed everything and I had an opportunity</p> <p>16 to say something and that was -- that was that.</p> <p>17 Q. And Lieutenant Schrofer was at that hearing</p> <p>18 or meeting?</p> <p>19 A. Honestly, I don't 100 percent recall. I</p> <p>20 know that a union rep was there, Captain</p> <p>21 Engeldinger, Major Erickson, and if it was the</p> <p>22 colonel or the light colonel. From what I remember,</p> <p>23 I believe only one of them was there, but I don't</p> <p>24 remember who. It was very stressful.</p> <p>25 Q. You mentioned Captain Engeldinger was</p>
79	<p>1 -- I'm drawing a blank on the first name. Dave?</p> <p>2 Dave Koski? And that's all -- well, I don't know if</p> <p>3 -- that's all I can -- I can say that for sure was</p> <p>4 interviewed. I don't know specifically who else was</p> <p>5 interviewed.</p> <p>6 Q. Sure. To the best of your knowledge, who</p> <p>7 from the State Patrol was involved in the decision</p> <p>8 to terminate you?</p> <p>9 MR. WEINER: Objection, calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. Well, this is signed by Colonel Matthew</p> <p>14 Langer; right?</p> <p>15 A. Yes, it is.</p> <p>16 Q. Does that indicate he was involved in the</p> <p>17 decision to terminate you?</p> <p>18 A. Yes.</p> <p>19 MR. WEINER: Objection, calls for</p> <p>20 speculation, document speaks for itself.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. Did you speak to him at all about your</p> <p>24 termination?</p> <p>25 A. Not that I recall.</p>	81	<p>1 there; right?</p> <p>2 A. He was.</p> <p>3 Q. On the front or first page of this</p> <p>4 document, do you see that Captain Engeldinger's name</p> <p>5 appears at the bottom under cc?</p> <p>6 A. Yes.</p> <p>7 Q. To the best of your knowledge, was he</p> <p>8 involved in the decision to terminate you?</p> <p>9 MR. WEINER: Objection, asked and answered,</p> <p>10 calls for speculation.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. He was at the meeting discussing your</p> <p>14 termination, though?</p> <p>15 MR. WEINER: Objection, misstates the</p> <p>16 meeting that was held.</p> <p>17 THE WITNESS: He was present at the -- the</p> <p>18 hearing where -- and I had -- I was already informed</p> <p>19 that I was going to be terminated, but he was at</p> <p>20 that final meeting where I had the opportunity to</p> <p>21 speak my piece.</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. And you testified that it was the events</p> <p>24 related to your termination after which you and</p> <p>25 Captain Engeldinger ceased to be friends and no</p>

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<p style="text-align: right;">82</p> <p>1 longer see eye to eye; right?</p> <p>2 A. It was -- you're asking if it was this</p> <p>3 situation why we do not -- why we don't have contact</p> <p>4 anymore, is what your question is; correct?</p> <p>5 Q. Yes.</p> <p>6 A. Yeah, it would be this incident.</p> <p>7 Q. What is your understanding of what his role</p> <p>8 was in this incident?</p> <p>9 A. Well, his specific role, I do not know, but</p> <p>10 they -- I know that they -- Lieutenant Eck and</p> <p>11 Captain Engeldinger were both aware of the photos</p> <p>12 that were taken of that particular intersection,</p> <p>13 that they were aware that they were -- that I had</p> <p>14 used my phone. They were aware that they were</p> <p>15 shared, and nothing else was said about it until a</p> <p>16 couple months later, and then all of a sudden the</p> <p>17 rug was pulled out from under me, so --</p> <p>18 Q. Did you feel betrayed by them?</p> <p>19 A. I felt confusion why it was okay at one</p> <p>20 point and then all of a sudden it wasn't okay.</p> <p>21 Q. You understand that Lieutenant Eck and</p> <p>22 Captain Engeldinger are both defendants in this</p> <p>23 case?</p> <p>24 A. I do, yes.</p> <p>25 Q. And that they're represented by Mr. Weiner?</p>	<p style="text-align: right;">84</p> <p>1 at the beginning of, you know, when you're going</p> <p>2 through training, you go through all the current</p> <p>3 general orders and you read them and you sign off on</p> <p>4 them. So the assumption would be that a person who</p> <p>5 signed that -- signed off on those general orders</p> <p>6 are aware and knowledgeable about it.</p> <p>7 Q. Great, that's really helpful. So troopers</p> <p>8 learn about the general orders as part of their</p> <p>9 training?</p> <p>10 A. Correct.</p> <p>11 Q. And their internal GOs or general orders</p> <p>12 are internal rules or policies; right?</p> <p>13 A. Correct.</p> <p>14 Q. And it's part of your job to be familiar</p> <p>15 with or know the GOs; is that fair?</p> <p>16 A. Correct.</p> <p>17 Q. And this general order says that you're not</p> <p>18 supposed to take photos with your personal devices;</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 MS. WIESSNER: I'm going to switch gears,</p> <p>22 and I have an Exhibit 6.</p> <p>23 (Exhibit Number 6 marked.)</p> <p>24 BY MS. WIESSNER:</p> <p>25 Q. On November 27th of this year, you emailed</p>
<p style="text-align: right;">83</p> <p>1 A. Yes, I do.</p> <p>2 Q. To the best of your knowledge, was Captain,</p> <p>3 or now Major Dwyer, involved in your termination</p> <p>4 process or decision?</p> <p>5 A. To the best of my knowledge, I don't</p> <p>6 believe he was.</p> <p>7 Q. If we turn to -- let's see, I think it's</p> <p>8 page 3 of this document, you'll see the third from</p> <p>9 the bottom paragraph lists GO -- oh, second from</p> <p>10 bottom paragraph, actually, lists General Order</p> <p>11 12-20-017. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And this says, "Requiring use of</p> <p>14 state-owned equipment to take photos." Did I read</p> <p>15 that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Are you familiar with that rule?</p> <p>18 A. I am now.</p> <p>19 Q. When did you become familiar with that</p> <p>20 rule?</p> <p>21 A. Well, when I signed the general order,</p> <p>22 that's when I would have become familiar with that.</p> <p>23 Q. When you say when you signed the general</p> <p>24 order, what do you mean by that?</p> <p>25 A. Well, when they have different policies or</p>	<p style="text-align: right;">85</p> <p>1 our client, Carolyn Cole; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. If you open this document to the first</p> <p>4 page, do you recognize this email?</p> <p>5 A. Yes.</p> <p>6 Q. Is this the email that you sent to Carolyn</p> <p>7 Cole?</p> <p>8 A. Yes.</p> <p>9 Q. Is that your name at the top, on the from</p> <p>10 line?</p> <p>11 A. Yes.</p> <p>12 Q. Next to your email?</p> <p>13 A. Yes.</p> <p>14 Q. That's your personal email?</p> <p>15 A. That's my business email, yes.</p> <p>16 Q. Sure, good clarification. That's your</p> <p>17 business email. Do you use it for personal emails</p> <p>18 too?</p> <p>19 A. Occasionally, yes.</p> <p>20 Q. And this email was sent to Carolyn Cole;</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. How did you get Carolyn's email address?</p> <p>24 A. Look up LA Times and they tell you how to</p> <p>25 find them.</p>

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<p style="text-align: right;">86</p> <p>1 Q. Sure, that makes sense. She's a 2 journalist; right? 3 A. Correct. 4 Q. Her information is publicly available to 5 you; right? 6 A. Yes. 7 Q. What prompted you to reach out to her and 8 send this email? 9 A. You know, I -- nothing really specifically. 10 And I want to preface that by saying that 11 truthfully, and I don't know if Carolyn had -- I 12 thought the -- I thought this was over. I thought 13 that she would be interested in seeing them because 14 they were there. I didn't -- I fully didn't -- I 15 didn't expect this to be still being going on, but I 16 should have known better. It takes a long time. 17 Q. And what do you mean, you thought she would 18 like to see them? Do you mean the photos? 19 A. Mm-hmm. Yes. 20 Q. Why did you think she would like to see 21 them? 22 A. She's a reporter. 23 Q. And what about the photos seems relevant to 24 a reporter? 25 A. That maybe there would be something in</p>	<p style="text-align: right;">88</p> <p>1 because I didn't know what was going to happen to me 2 or if I was going to be granted my retirement. 3 And a person can tell me a million times, oh, 4 no, it's a different department, it's different 5 people, it's different -- I don't believe it. I 6 believe that there are things that are undesirable 7 in a trooper and one of those is somebody that 8 speaks their mind. 9 Q. When you say the state can be vindictive, 10 who or what are you referring to? 11 A. Internal affairs and the people who make 12 the decisions to terminate people or punish or, you 13 know, discipline. 14 Q. And when you say you were in the midst of a 15 court battle during your last deposition, are you 16 referring to your PTSD disability claim? 17 A. Correct. 18 Q. And that's in an administrative court; is 19 that right? 20 A. Like not current -- 21 Q. If you don't know, you don't know. 22 A. Yeah. (Shaking head). 23 Q. Totally fair. You said it's undesirable in 24 a trooper sometimes to speak your mind. Is that 25 your testimony?</p>
<p style="text-align: right;">87</p> <p>1 there that would interest her. One of the reasons 2 why I -- One of the reasons why I sent this was 3 perhaps there is something in there that would be a 4 story beneficial to her. 5 Q. And your deposition in this case was back 6 in February of 2023; right? 7 A. Correct. 8 Q. And you sent this email in November of 9 2023; right? 10 A. Correct. 11 Q. So why then? What made you, ten months 12 after your deposition, want to send this? 13 A. Well, I -- with my things almost being 14 wrapped up and there's a lot of -- how do you -- I'm 15 trying to -- just give me a second here, let me 16 figure out the proper wording. 17 There -- the state can be vindictive and -- the 18 state can be vindictive, and I've experienced it 19 myself, so the first deposition, I was really 20 scared. I'm in -- I was in the middle of a court 21 battle that, on top of the -- on top of all of the 22 incidents that I experienced and having loaded a 23 dear friend and partner onto a gurney and put her 24 into a ambulance dead and then treated the way I 25 was, I was scared when I did the first deposition</p>	<p style="text-align: right;">89</p> <p>1 A. Yes. 2 Q. Has anyone told you that it's undesirable 3 to speak your mind or not to speak your mind? 4 A. I don't recall any specific conversations, 5 but I've been told on several occasions I shouldn't 6 do or say -- I should keep my mouth shut. 7 Q. When were you told to keep your mouth shut? 8 A. I was told after another -- I was told 9 during an internal affairs investigation, when I 10 spoke my mind at the opportunity that I had to at 11 the end of the interview, when I said that -- and 12 it's a unrelated thing to this, but there was a 13 pursuit and I was told good job, patted on the back, 14 major, captain, lieutenant all signed off on the 15 pursuit that it was a -- that it was a job well 16 done. 17 And then the driver made a formal complaint and 18 a full investigation was opened after the fact, and 19 at the end of the internal affairs interview I had 20 just made mention that it was -- it sets a dangerous 21 precedence to troopers who believe that they've done 22 a good job and then all of a sudden they can be up 23 for punishment. And the internal affairs 24 interviewer had said to me, but you're not being 25 punished. And I said, well, could I be? And he</p>

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<p style="text-align: right;">90</p> <p>1 said yes. And I said, well, exactly then. And they 2 didn't like that, and I was told by Jason 3 Engeldinger to not do that. 4 Q. You were told by Jason Engeldinger not to 5 do that with respect to that incident? 6 A. Yep. Yes, for respect to that incident 7 was, you know, the don't speak your mind. 8 Q. When was that incident? 9 A. I believe it was 2018 or '19. 10 Q. Has anyone told you to keep your mouth shut 11 or say or not say things about this lawsuit? 12 A. No. 13 Q. But you've seen or experienced backlash 14 towards troopers who either disagree with the State 15 Patrol or refuse to give favorable testimony? 16 MR. WEINER: Objection, misstates 17 testimony. 18 THE WITNESS: Yes. 19 BY MS. WIESSNER: 20 Q. Including against yourself? 21 A. Been -- I've been told that? 22 Q. I'll ask a broader question. Have you seen 23 or experienced backlash against troopers who refuse 24 to give favorable testimony or disagree with the 25 State Patrol?</p>	<p style="text-align: right;">92</p> <p>1 there's a blue wall of silence to you? 2 MR. WEINER: Objection, vague. You can 3 answer. 4 THE WITNESS: No, I think that was more so 5 in reference to don't make waves. 6 BY MS. WIESSNER: 7 Q. When you wrote in your email the second 8 sentence -- or I believe it's the third sentence, "I 9 was deposed and made a statement under duress," do 10 you see that? 11 A. Yes. 12 Q. Okay, to break that down, it says you were 13 deposed and made a statement. Are those two 14 separate statements? 15 A. No, I was deposed, and what I meant in 16 regards to made a statement was my deposition. 17 Q. Sure, so the statement is your 18 February 2023 deposition? 19 A. Yes. 20 Q. You never gave a statement to internal 21 affairs about May 30th; correct? 22 A. No. 23 Q. What did you mean by under duress? 24 A. Felt that it was convenient that I had to 25 be deposed in the midst of my PTSD claim and it was</p>
<p style="text-align: right;">91</p> <p>1 MR. WEINER: Objection, compound. 2 THE WITNESS: I would say that the backlash 3 isn't as obvious to somebody outside of the State 4 Patrol. 5 BY MS. WIESSNER: 6 Q. Are you familiar with the concept of the 7 blue wall of silence? 8 A. Yes. 9 Q. What does that term mean to you? 10 A. It means that there is -- there's a loyalty 11 for -- between officers and that we stay here and we 12 don't -- from what my understanding is, is that you 13 are not to go nark out, I guess for a lack of a -- I 14 mean, lack of a better term, to go against your 15 fellow officers or brass. 16 Q. Sure. Do you believe or have you 17 experienced a blue wall of silence at the State 18 Patrol? 19 MR. WEINER: Objection, vague. 20 THE WITNESS: Any specific incidences, I 21 don't recall any specific incidences of that at this 22 moment, I don't -- I don't know. 23 BY MS. WIESSNER: 24 Q. When Jason Engeldinger told you to keep 25 your mouth shut on something, does that indicate</p>	<p style="text-align: right;">93</p> <p>1 -- that I felt as though I'd better make people 2 happy. 3 Q. What do you mean by it was convenient? Did 4 I sense sarcasm in that answer? 5 A. No, I don't -- I believe that it was -- it 6 was convenient that I was giving a deposition while 7 I was in the middle of my PTSD case because they -- 8 the state is who decided, you know, what was going 9 to happen to the rest of, you know, the trajectory 10 of my life. 11 Q. Sure, so it was convenient to the state; 12 correct? 13 A. Yes. 14 Q. It was not convenient to you; fair? 15 A. Correct. 16 Q. Did anyone say anything specific to you 17 related to your pending claim before or after your 18 February deposition? 19 A. No. 20 Q. Did anyone try to pressure or intimidate 21 you about what you could or couldn't say in your 22 February deposition? 23 A. No. 24 Q. No one threatened you directly or 25 indirectly?</p>

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<p style="text-align: right;">94</p> <p>1 A. No.</p> <p>2 Q. What made you believe that your PTSD claim</p> <p>3 was at risk of being denied?</p> <p>4 A. Previous -- the way I felt that I was</p> <p>5 treated in previous situations with the state, that</p> <p>6 there are certain ways that say an internal -- an</p> <p>7 internal affairs investigation would operate, where</p> <p>8 it would, for example, take months and months to</p> <p>9 wrap up.</p> <p>10 I received several calls from the lieutenant</p> <p>11 colonel when I had an internal affairs investigation</p> <p>12 that was happening and she called me a couple times</p> <p>13 referencing her apologies that it was taking so</p> <p>14 long, that the person that was taking care of</p> <p>15 internal affairs was also involved in -- the other</p> <p>16 portion of her job was affirmative action and other</p> <p>17 things, so she was bogged down with her job at the</p> <p>18 expense of everybody that was being -- that was</p> <p>19 going through any sort of internal affairs.</p> <p>20 And by the time -- the known thing is that by</p> <p>21 the time your internal affairs investigation is</p> <p>22 over, it's taken so long, you've given up.</p> <p>23 Q. So you were concerned that the state could</p> <p>24 slow walk or deny your PTSD claim based on your</p> <p>25 testimony in the February deposition?</p>	<p style="text-align: right;">96</p> <p>1 testimony that was dishonest. But there was no</p> <p>2 other information that would have -- I would have</p> <p>3 offered. I just -- I just answered questions, and</p> <p>4 if it was something that I couldn't definitively</p> <p>5 answer, then it was -- I just didn't because, again,</p> <p>6 I felt as though I was under duress.</p> <p>7 Q. The testimony that you wouldn't give, are</p> <p>8 you referring specifically to unfavorable testimony?</p> <p>9 Unfavorable to the defendants or the State Patrol, I</p> <p>10 mean.</p> <p>11 MR. WEINER: Objection, vague.</p> <p>12 THE WITNESS: I would say not necessary --</p> <p>13 not necessarily unfavorable, but I did not testify</p> <p>14 to anything of -- or I didn't feel like I was able</p> <p>15 to testify on anything that I, for example, would</p> <p>16 have overheard or had knowledge of but couldn't</p> <p>17 specify who it came from or who said it. I suppose</p> <p>18 that would have potentially been unfavorable,</p> <p>19 because then it -- I didn't feel -- I didn't feel</p> <p>20 like it would have been a safe thing for me.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. So did the duress affect your ability to</p> <p>23 testify accurately? Is that a better</p> <p>24 characterization than honestly?</p> <p>25 A. I believe --</p>
<p style="text-align: right;">95</p> <p>1 A. Yes.</p> <p>2 Q. Did that concern affect your testimony that</p> <p>3 you were willing to give in February of this year?</p> <p>4 A. It -- yes.</p> <p>5 Q. How so?</p> <p>6 A. That my testimony was -- I wouldn't have</p> <p>7 spoken on, say, I heard or had knowledge that the</p> <p>8 troopers were indeed, say, amused by the injury of</p> <p>9 somebody in the media, because that's -- I don't</p> <p>10 know what the proper term is, but if I was, for</p> <p>11 example, testifying in court, that's not something</p> <p>12 that -- unless it was directly asked to me, it's not</p> <p>13 something that I would necessarily offer because</p> <p>14 it's not a definitive thing.</p> <p>15 Q. But your testimony today is that people in</p> <p>16 the State Patrol and the MRT were amused by injuries</p> <p>17 to the media; is that fair?</p> <p>18 MR. WEINER: Objection, foundation,</p> <p>19 speculation.</p> <p>20 THE WITNESS: That's -- that's fair, yes.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. Did you feel like you could be totally</p> <p>23 honest and forthcoming in your last deposition?</p> <p>24 A. It wasn't a -- it wasn't a matter of being</p> <p>25 not honest or dishonest. There's nothing in my</p>	<p style="text-align: right;">97</p> <p>1 MR. WEINER: Objection, vague. Also</p> <p>2 leading, but it's okay, you can answer.</p> <p>3 THE WITNESS: Okay. I don't -- it's a --</p> <p>4 ask -- Can you ask me again, please?</p> <p>5 MS. WIESSNER: Sure.</p> <p>6 THE WITNESS: I just want to make sure I</p> <p>7 understand it, or get it correct.</p> <p>8 BY MS. WIESSNER:</p> <p>9 Q. Yes, and I want you to only answer</p> <p>10 questions you understand.</p> <p>11 A. Mm-hmm.</p> <p>12 Q. I'm not trying to trick or trap you. I'm</p> <p>13 trying to understand how feeling like you're under</p> <p>14 duress affected your testimony. Did you feel like</p> <p>15 you had to stop short of telling the whole story?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 THE WITNESS: I felt as though I was unable</p> <p>18 to testify on things that were said, overheard or I</p> <p>19 had knowledge of that I wasn't able to specifically</p> <p>20 say who they came from or from where during the time</p> <p>21 of the George Floyd incident; that if I had said</p> <p>22 that there was -- yes, indeed, there was troopers</p> <p>23 that would have been -- would have found amusement</p> <p>24 or whoever would have found amusement in somebody, a</p> <p>25 part of the media, being injured, I didn't believe</p>

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98	<p>1 that that -- I didn't believe that I could say that</p> <p>2 because there -- that would come -- because it was</p> <p>3 -- I suppose, yeah, because it was negative towards</p> <p>4 the state and I was being represented by the state,</p> <p>5 and because I had worked there at the time and I</p> <p>6 didn't feel comfortable.</p> <p>7 I was very surprised that I was -- I had --</p> <p>8 that I was being represented by the State of</p> <p>9 Minnesota because I was terminated and because I am</p> <p>10 -- let's see here. (Reviewing document).</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. Let the record reflect that the deponent is</p> <p>13 looking at Exhibit --</p> <p>14 A. 4.</p> <p>15 Q. -- 4.</p> <p>16 A. Well, I guess because I was considered a</p> <p>17 disgruntled former member of -- former State Patrol</p> <p>18 employee, that I don't -- it was all stressful and,</p> <p>19 you know, when you're terminated from a job, a lot</p> <p>20 of times there's -- it's not a -- it's not a great</p> <p>21 feeling, it's not -- you don't leave on, you know,</p> <p>22 high fives.</p> <p>23 And then being called in and told we're going</p> <p>24 to represent you, we need you to give a deposition</p> <p>25 of what you know, and it's about -- mainly about</p>	100	<p>1 BY MS. WIESSNER:</p> <p>2 Q. So there were things you decided not to say</p> <p>3 or not to disclose in February, based on those</p> <p>4 feelings?</p> <p>5 A. If I was -- yes, I wouldn't have offered</p> <p>6 any extra information or any extra potential</p> <p>7 information or something that would have been</p> <p>8 negative towards the state.</p> <p>9 Q. Besides being aware that troopers were</p> <p>10 amused by or laughing at injured media, can you</p> <p>11 think of anything else that you decided not to say</p> <p>12 or disclose because it was negative to the State</p> <p>13 Patrol?</p> <p>14 A. There was concern from people, again, I</p> <p>15 don't know specifically who, that when we were using</p> <p>16 the Metro Transit buses, they -- the Metro Transit</p> <p>17 buses were -- and this is -- this is what I had</p> <p>18 heard, but the cameras were running when we were --</p> <p>19 when we were on the buses, and I know that there</p> <p>20 were people, and I do not know if it was troopers or</p> <p>21 admin or whoever, but there was concern about those</p> <p>22 videos from the buses on what was said.</p> <p>23 And then somebody had found out or was told</p> <p>24 that it was like 30 or 90 days that the videos would</p> <p>25 be kept, sort of like the Watch Guard videos in our</p>
99	<p>1 your two direct supervisors, and in the middle of a,</p> <p>2 you know, PT -- or a medical retirement from the</p> <p>3 job. Anybody, any reasonable person, I feel, would</p> <p>4 be apprehensive.</p> <p>5 Q. Were you afraid that negative testimony in</p> <p>6 February of 2023 would come back to bite you?</p> <p>7 A. Yes.</p> <p>8 Q. And when you say your direct supervisors,</p> <p>9 you're referring to Lieutenant Eck and Captain</p> <p>10 Engeldinger; right?</p> <p>11 A. Yes.</p> <p>12 Q. Was there testimony -- Was your testimony</p> <p>13 potentially incomplete in February?</p> <p>14 MR. WEINER: Objection, vague.</p> <p>15 THE WITNESS: I don't know if it was</p> <p>16 necessarily incomplete or if I would refer to it as</p> <p>17 incomplete. I would say more so it was just very</p> <p>18 answer the questions, don't offer the I heard, I --</p> <p>19 this conversation or that conversation, leaving out</p> <p>20 any -- I didn't elude to -- I didn't elude to any</p> <p>21 ill -- I mean I don't have ill will. I was</p> <p>22 terminated, again, there was no high fives, but it</p> <p>23 is what it is. I just didn't feel like I could</p> <p>24 testify -- I would set myself up for something that</p> <p>25 would affect me negatively.</p>	101	<p>1 squads, you know, being a digital copy. And I know</p> <p>2 that there were people that were patiently waiting</p> <p>3 for those videos to, I don't know, be deleted as a</p> <p>4 standard or however you would refer to that. And</p> <p>5 I'm sure that would have not shown highly on some</p> <p>6 MRT members. I don't -- specifics, I don't know. I</p> <p>7 know that there was concern about those videos.</p> <p>8 Q. But you don't recall what was said that</p> <p>9 troopers were concerned about?</p> <p>10 A. No.</p> <p>11 Q. Possibly things about the media?</p> <p>12 MR. WEINER: Objection. She already</p> <p>13 testified she doesn't know.</p> <p>14 THE WITNESS: I don't know.</p> <p>15 BY MS. WIESSNER:</p> <p>16 Q. Do you recall who was concerned</p> <p>17 specifically about those videos?</p> <p>18 A. No.</p> <p>19 Q. There was also a lot of things that you</p> <p>20 couldn't recall in February. Is that fair to say?</p> <p>21 A. Yes.</p> <p>22 Q. Was your inability to recall related to</p> <p>23 your duress?</p> <p>24 A. I would have to look specifically at the</p> <p>25 transcripts, but I can say that we -- when we were</p>

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102	<p>1 initially deployed and we didn't even get to think</p> <p>2 about going home until, I believe it was, June 7th,</p> <p>3 we were there the first handful of days, there was</p> <p>4 no sleep, there was no food, there was no -- I mean</p> <p>5 we were -- so there is a lot of things that I don't</p> <p>6 recall because I don't want to testify on something</p> <p>7 that I'm not a hundred percent sure of, and I find</p> <p>8 -- because I'm not trying and was not trying to lead</p> <p>9 any sort of investigation. I can only testify from</p> <p>10 what I know, so I -- I believe that the answers of</p> <p>11 what I don't recall was accurate.</p> <p>12 Q. Sure. Did anyone tell you to say I don't</p> <p>13 remember or I don't recall to things in your last</p> <p>14 deposition?</p> <p>15 A. Just -- only going over, when we had spoke</p> <p>16 and it was if you don't recall, you don't recall,</p> <p>17 typical of, you know, if you were testifying in</p> <p>18 court.</p> <p>19 Q. Sure. In your previous deposition you</p> <p>20 said, "Depositions are a lot different than trials.</p> <p>21 It's awkward for me not to be able to answer your</p> <p>22 questions." Do you recall that testimony?</p> <p>23 A. Yes.</p> <p>24 Q. What did you mean by that?</p> <p>25 A. Because when -- when we had gone over how</p>	104	<p>1 answer. So neither I nor Joe can object to nor</p> <p>2 direct you that you have to answer that. So it's up</p> <p>3 to you whether or not you want to answer that</p> <p>4 question.</p> <p>5 THE WITNESS: What that was referring to</p> <p>6 the best way that I can describe it is not -- it's</p> <p>7 -- when I said it's uncomfortable not being able to</p> <p>8 answer your questions, meaning not being able to</p> <p>9 elaborate on that, you know, I don't recall or that</p> <p>10 yes or that no, because that wouldn't have been</p> <p>11 something that would have been appropriate from my</p> <p>12 understanding, and if I was, for example, testifying</p> <p>13 in court. If I was testifying in court, I wouldn't</p> <p>14 offer any extra information. I would just say yes,</p> <p>15 no or I don't recall.</p> <p>16 BY MS. WIESSNER:</p> <p>17 Q. So when you say it was awkward for you to</p> <p>18 not be able to answer the questions, you were</p> <p>19 holding something back that you were able to say but</p> <p>20 felt that you shouldn't?</p> <p>21 MR. WEINER: Objection, misstates the</p> <p>22 testimony.</p> <p>23 THE WITNESS: It's more referring to I --</p> <p>24 yes, I know that there were members of MRT that were</p> <p>25 amused by people's injuries, media's injuries,</p>
103	<p>1 to testify at a deposition, because I had never had</p> <p>2 a deposition --</p> <p>3 MR. WEINER: Now, I just want to stop for</p> <p>4 just a second.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. WEINER: So at the time I was</p> <p>7 representing you.</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. WEINER: You have the right to talk</p> <p>10 about what we discussed and you can waive that for</p> <p>11 attorney/client privilege.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MR. WEINER: I just want to let you know</p> <p>14 that if you are going to discuss what we discussed,</p> <p>15 then you are waiving that privilege. So I just want</p> <p>16 to make sure that that's clear on the record.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. WEINER: Okay.</p> <p>19 THE WITNESS: I mean there's -- let's --</p> <p>20 MS. WIESSNER: For the record, I'd like to</p> <p>21 clarify. Neither I nor Joe can give you any legal</p> <p>22 advice today.</p> <p>23 THE WITNESS: Right, no, I understand that.</p> <p>24 MS. WIESSNER: It is totally up to you as</p> <p>25 the holder of a privilege whether you want to</p>	105	<p>1 whatever they were, but it wasn't something that I</p> <p>2 was going to offer up and elaborate on. Does that</p> <p>3 make sense?</p> <p>4 BY MS. WIESSNER:</p> <p>5 Q. Yes, but part of the reason you were not</p> <p>6 going to elaborate on that was that you were given</p> <p>7 an -- so maybe the answer is no. I don't quite</p> <p>8 understand your answer. What does that have to do</p> <p>9 with the difference between a deposition and a</p> <p>10 trial?</p> <p>11 A. Well, I was never told not to elaborate, I</p> <p>12 was never told anything like that, but I didn't feel</p> <p>13 comfortable elaborating and I kept my answers very</p> <p>14 just yes, no, I don't recall. There was no offer</p> <p>15 of, but I heard that there were troopers that</p> <p>16 were -- you know, there were troopers that found</p> <p>17 amusement with that. I wouldn't have felt</p> <p>18 comfortable offering that because I felt as though</p> <p>19 that would -- that would not -- that could affect my</p> <p>20 other case.</p> <p>21 Q. Sure, that makes a lot more sense. Thanks</p> <p>22 for clarifying.</p> <p>23 A. I apologize. Sometimes my explanation is a</p> <p>24 lot longer than it should be.</p> <p>25 Q. Or sometimes it was a bad question, so</p>

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106	<p>1 don't be too hard on yourself. I have one more set 2 of questions before we take a break, if you don't 3 mind. 4 The subject line of your email is, "pepper 5 spray assault," or includes, "pepper spray assault." 6 Do you see that? 7 A. Mm-hmm. Yes, I do. 8 Q. What made you call what happened to Carolyn 9 an assault? 10 A. That what -- that was the -- that would be 11 my interpretation of what happened based on my 12 knowledge of the proceedings and what was in the 13 media. 14 Q. And you later repeat in the first sentence, 15 "My name is Tesa Johnson and I was a trooper who was 16 present during the assault of you and your 17 colleague, Molly Hennessy-Fiske." Do you see that? 18 A. Yes, I do. 19 Q. So you called it an assault again. 20 A. Yes. 21 Q. What does an assault mean to you? 22 A. It -- what that would mean to me is a use 23 of force that is potentially not warranted. 24 Q. Did you think the pepper spraying of Molly 25 and Carolyn was not warranted?</p>
107	<p>1 A. I don't know. If that -- I guess, let me 2 back that up. Not I don't know, because I don't -- 3 I don't -- to be perfectly honest, I don't even -- I 4 don't know the details, so I -- I mean I assume that 5 it was unwarranted, as they were press, they were 6 press from a large media outlet, and I -- I was 7 present, I never saw anything. But I'm assuming 8 that the assault was not warranted because we had 9 been briefed on how we were to deal with the media. 10 Q. In preparation for your last deposition, 11 you watched videos; correct? 12 A. Yes. 13 Q. Do you recall seeing videos of MRT troopers 14 pepper spraying or using force on a group of people? 15 A. I don't -- to be honest with you, I would 16 have to watch those videos again. I don't recall 17 specifically what was on those videos. 18 Q. And you're a trained law enforcement 19 officer; right? 20 A. Yes. 21 Q. You're familiar with police use of force 22 policies? 23 A. Yes. 24 Q. You've been trained on proper uses of 25 force?</p>
108	<p>1 A. Yes. 2 Q. You've used force in the field? 3 A. Yes. 4 Q. Would you call police using reasonable 5 force in compliance with their policies an assault? 6 A. No. 7 Q. If an officer uses reasonable force during 8 a lawful arrest, that's not an assault; right? 9 A. Correct. 10 Q. The word assault implies that it's not an 11 ordinary or proper use of force; right? 12 A. Correct. 13 Q. You're also trained on criminal law? 14 A. Yes. 15 Q. You know assault is a crime? 16 A. Yes. 17 Q. Have you ever arrested anyone for an 18 assault? 19 A. I can't say specifically. 20 Q. What is an assault under criminal law? 21 A. Yes, I have -- 22 MR. WEINER: Objection, calls for a legal 23 conclusion. 24 THE WITNESS: Yes, I have arrested somebody 25 on assault, if I can answer that now. Can you</p>
109	<p>1 repeat the question again? 2 MS. WIESSNER: Sure. 3 BY MS. WIESSNER: 4 Q. What is an assault in criminal law? Or in 5 your training as a law enforcement officer, I'll 6 say. In your training as a law enforcement officer, 7 what's an assault? 8 A. Use of -- to injure or indicate -- to 9 invoke fear or injury in a person without -- I mean 10 just -- you can't do that, but when you're talking 11 the criminal law, between, you know, two, say, 12 civilians, would be violence without it being self 13 defense. 14 Q. Sure. And you chose to call what happened 15 to Molly and Carolyn an assault in your email? 16 A. Yes. Yeah. 17 Q. You also labeled yourself as a witness in 18 your email. 19 A. Yes. And there -- I was eager to -- like I 20 said, I thought this was all finished and I was 21 eager to speak with her in hopes that perhaps she 22 would be able to have -- there would be some sort of 23 information that she might be able to run a story. 24 It wasn't -- it was more catch your eye, so to 25 speak.</p>

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<p style="text-align: right;">110</p> <p>1 Q. So it wasn't to influence this lawsuit?</p> <p>2 A. No.</p> <p>3 Q. You thought the lawsuit was over?</p> <p>4 A. And I said that to Carolyn, that I -- I was</p> <p>5 shocked that it was still going.</p> <p>6 Q. Did you eventually speak to Carolyn?</p> <p>7 A. Yes.</p> <p>8 Q. How many times?</p> <p>9 A. Maybe three or four. I don't -- I don't</p> <p>10 recall the exact number.</p> <p>11 Q. What did you tell Carolyn?</p> <p>12 A. That I -- that this Google folder existed,</p> <p>13 and we discussed the incident and she had informed</p> <p>14 me that she -- she was not pepper sprayed, but Molly</p> <p>15 was, I believe. And then we -- of course, you know,</p> <p>16 we discussed how this was still ongoing and it's</p> <p>17 been, you know, going on into three years. And</p> <p>18 then, you know, we had just a couple normal</p> <p>19 conversations about personal things and -- but I</p> <p>20 wouldn't be able to tell you, you know, verbatim on</p> <p>21 each conversation.</p> <p>22 Q. Sure. And we've discussed that you're no</p> <p>23 longer employed by the State Patrol; right?</p> <p>24 A. Correct, yes.</p> <p>25 Q. You said you didn't leave with high fives.</p>	<p style="text-align: right;">112</p> <p>1 said, I just want to be finished with everything</p> <p>2 because I just want to move on with my life. And</p> <p>3 until all of my things are done, I can't. But this</p> <p>4 was not to sway any criminal or court proceedings</p> <p>5 either way.</p> <p>6 MS. WIESSNER: I think we're ready to take</p> <p>7 a break for lunch. We're ready to go off the</p> <p>8 record.</p> <p>9 VIDEOGRAPHER: Off the video record at</p> <p>10 12:58 p.m.</p> <p>11 (A lunch break was taken.)</p> <p>12 VIDEOGRAPHER: This is File 3, we're on the</p> <p>13 record at 1:31 p.m.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. So Tesa, in your previous deposition you</p> <p>16 testified that after the Omar Jimenez arrest, there</p> <p>17 were caveats for the press. Do you recall that?</p> <p>18 A. Yes.</p> <p>19 Q. And you've testified similarly here today,</p> <p>20 that there were carve-outs or caveats for the press;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. What were those caveats or carve-outs?</p> <p>24 MR. WEINER: Objection, asked and answered</p> <p>25 three times. Go ahead.</p>
<p style="text-align: right;">111</p> <p>1 A. No.</p> <p>2 Q. Do you have ill will towards the State</p> <p>3 Patrol?</p> <p>4 A. No. I don't like them. Not the State</p> <p>5 Patrol as a whole because I'm still friends with all</p> <p>6 of the people that I was friends with prior to. But</p> <p>7 I'm not out for blood or anything. I want to be</p> <p>8 done. I want to be done. I don't ever want to deal</p> <p>9 with anything having to do with any of this ever</p> <p>10 again. I want to try to get myself into a place</p> <p>11 where I can wake up in the morning and not not want</p> <p>12 to get out of bed. That's where I'm at.</p> <p>13 Q. So fair to say, you didn't reach out to</p> <p>14 Carolyn to get back at or punish the State Patrol?</p> <p>15 A. No. Why would I wait until now? It's</p> <p>16 totally, you know -- it wasn't. It was you're a</p> <p>17 reporter from the LA Times, it's a big deal, and</p> <p>18 here, maybe you see something in these that I don't.</p> <p>19 I don't know.</p> <p>20 But it wasn't because -- I was under the</p> <p>21 understanding that this was completed. This wasn't</p> <p>22 to sway it one way or the other. I don't have it in</p> <p>23 me. If I did, there -- I mean if I had it -- if I</p> <p>24 wanted to, I would have gotten another attorney and</p> <p>25 fought my termination. I didn't. I am -- like I</p>	<p style="text-align: right;">113</p> <p>1 THE WITNESS: The press was -- they were</p> <p>2 able to -- they were exempt from the -- from the</p> <p>3 curfew and from -- they could be behind the line and</p> <p>4 they could be reporting.</p> <p>5 BY MS. WIESSNER:</p> <p>6 Q. Were you to look out or make an effort to</p> <p>7 identify press or media to respect those rights?</p> <p>8 A. That was my interpretation of it.</p> <p>9 Q. Would these caveats include not using force</p> <p>10 on law-abiding journalists?</p> <p>11 MR. WEINER: Objection, calls for</p> <p>12 speculation.</p> <p>13 THE WITNESS: That would be my</p> <p>14 interpretation of them having the exemption.</p> <p>15 MS. WIESSNER: Sure.</p> <p>16 BY MS. WIESSNER:</p> <p>17 Q. As of May 30th, if someone was identifiable</p> <p>18 as media, present and law abiding at the Fifth</p> <p>19 Precinct, they didn't have to leave when the curfew</p> <p>20 went into effect; right?</p> <p>21 A. Correct.</p> <p>22 MR. WEINER: Objection, calls for</p> <p>23 speculation.</p> <p>24 THE WITNESS: Correct. They -- my</p> <p>25 interpretation is that they wouldn't have to leave.</p>

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<p style="text-align: right;">114</p> <p>1 BY MS. WIESSNER:</p> <p>2 Q. And the MRTs shouldn't tell journalists or</p> <p>3 media to leave when the curfew goes into effect?</p> <p>4 MR. WEINER: Same objection.</p> <p>5 THE WITNESS: Correct.</p> <p>6 BY MS. WIESSNER:</p> <p>7 Q. Because they had a First Amendment right</p> <p>8 and a right under the curfew exemption to be there?</p> <p>9 A. Correct.</p> <p>10 Q. You also testified in your previous</p> <p>11 deposition that if you received orders that violated</p> <p>12 somebody's rights, that you wouldn't have a problem</p> <p>13 questioning those.</p> <p>14 A. Correct.</p> <p>15 Q. Did you receive any orders that you thought</p> <p>16 would violate someone's rights during the George</p> <p>17 Floyd operation?</p> <p>18 A. No.</p> <p>19 Q. Did you see troopers or anyone you were</p> <p>20 deployed with doing things that you believed</p> <p>21 violated someone's rights?</p> <p>22 A. Not that I recall, no.</p> <p>23 Q. I'd like to turn back to the email that you</p> <p>24 sent to Carolyn Cole. I believe that's -- yep, it's</p> <p>25 labeled as Exhibit A.</p>	<p style="text-align: right;">116</p> <p>1 were photos of other things that were pulled from</p> <p>2 various media outlets, screen shots and what have</p> <p>3 you, and then a lot of them were of when -- what was</p> <p>4 happening, either behind the scenes or right up in</p> <p>5 the front.</p> <p>6 BY MS. WIESSNER:</p> <p>7 Q. And we confirmed it's labeled a shared</p> <p>8 album; right?</p> <p>9 A. Correct.</p> <p>10 Q. What does it mean that it's a shared album?</p> <p>11 A. It's not my album.</p> <p>12 Q. Do you know whose album it is?</p> <p>13 A. I believe that it's Kristie Hathaway's.</p> <p>14 Q. Is Kristie Hathaway a member of the MRT?</p> <p>15 A. I don't know.</p> <p>16 Q. Is she a member of the State Patrol?</p> <p>17 A. Yes.</p> <p>18 Q. So it's not your album but you were invited</p> <p>19 to join; right?</p> <p>20 A. Correct.</p> <p>21 Q. And a shared album means people can invite</p> <p>22 more people and everyone who's invited can see the</p> <p>23 contents; right?</p> <p>24 A. I believe so.</p> <p>25 Q. And when you're a member of the album, you</p>
<p style="text-align: right;">115</p> <p>1 A. Okay.</p> <p>2 Q. You referenced a Google photo account with</p> <p>3 534 photos; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you included one of the photos in this</p> <p>6 email to identify yourself; right?</p> <p>7 A. Yes.</p> <p>8 Q. And you included a screen shot of the album</p> <p>9 cover as well in this email? So on the second page.</p> <p>10 A. Yes.</p> <p>11 Q. The album is labeled, "2020 Riots State</p> <p>12 Patrol"; right?</p> <p>13 A. Yes.</p> <p>14 Q. And it is labeled, "Shared"; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Why did you want to share these photos with</p> <p>17 Carolyn?</p> <p>18 A. Because a different view of the photos, she</p> <p>19 may have been able to see something that would have</p> <p>20 piqued her interest in regards to new stories or</p> <p>21 something that would interest her or interest, you</p> <p>22 know, the public.</p> <p>23 Q. What did the photos depict to you?</p> <p>24 MR. WEINER: Objection, vague.</p> <p>25 THE WITNESS: They -- a handful of them</p>	<p style="text-align: right;">117</p> <p>1 can add photos and videos to the album?</p> <p>2 MR. WEINER: Objection, calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: As far as I am concerned --</p> <p>5 or I know, yes, because I was able to upload those</p> <p>6 photos.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Can you comment on or like photos in a</p> <p>9 shared album?</p> <p>10 MR. WEINER: Same objection.</p> <p>11 THE WITNESS: I believe you can.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. Do you know if in this shared album, 2020</p> <p>14 Riots State Patrol, people were using the comment</p> <p>15 and like features?</p> <p>16 A. I don't recall.</p> <p>17 Q. Can you just passively view the contents of</p> <p>18 the album without adding anything?</p> <p>19 A. Yes.</p> <p>20 MR. WEINER: Objection, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: Yes, you can.</p> <p>23 BY MS. WIESSNER:</p> <p>24 Q. And the photos are labeled with the person</p> <p>25 who added them; right?</p>

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118	<p>1 MR. WEINER: Objection, calls for 2 speculation. 3 THE WITNESS: Yes. 4 BY MS. WIESSNER: 5 Q. Do you know if they're labeled with the 6 date they were added? 7 A. I don't know. It does give you some 8 information on what type of phone, but that's 9 something that when you -- I don't know, you have to 10 touch like a button and it pops up just like you 11 would on your iPhone. It gives you the information 12 of what model your phone is and things like that. 13 It's kind of gobbledegook to me. I don't know 14 exactly. 15 Q. But when you click on a photo in the album, 16 you can see more information about that photo? 17 A. Yes. 18 Q. What happens when you leave the shared 19 album? 20 MR. WEINER: Objection, vague. 21 THE WITNESS: I have no idea. 22 BY MS. WIESSNER: 23 Q. You don't know if, let's say, you leave the 24 shared album, if all of your photos stay or get 25 deleted?</p>	120	<p>1 BY MS. WIESSNER: 2 Q. Do you know why Kristie Hathaway created 3 the album? 4 A. No. I don't even know who she is. 5 Q. Why did you join the album? 6 A. For the photos, to see, again -- you know, 7 it's a big deal, and our ability to document it was 8 -- it was a -- I guess it was just -- it was a big 9 deal, being there, experiencing everything, seeing 10 everything that was happening, and that's not from 11 one side or another. Just as a whole. And then 12 being able to have those, those photos of seeing 13 everything and remembering it, it was -- it's -- 14 you're a part of history. 15 Q. How was the photo album being used during 16 the George Floyd operation period? 17 MR. WEINER: Objection, vague and calls for 18 speculation. 19 THE WITNESS: As far as I know, it was just 20 people were just uploading photos. 21 BY MS. WIESSNER: 22 Q. Was it common knowledge that this album 23 existed and you could join it or ask to join it? 24 MR. WEINER: Objection, calls for 25 speculation.</p>
119	<p>1 A. Correct. 2 Q. Were you accessing this album on your 3 personal phone? 4 A. Yes. 5 Q. On your work phone? 6 A. I never had a work phone. 7 Q. And you used your personal email address to 8 join the group? 9 A. Yes, I believe so, because it was -- would 10 have been my Google email address. 11 Q. You're referring to your gmail address? 12 A. Correct, yes. 13 Q. Did you take pictures that you uploaded on 14 your personal phone? 15 A. Yes. 16 Q. And other troopers also took photos on 17 their personal phones to add to the album? 18 A. Yes. 19 MR. WEINER: Objection, calls for 20 speculation. 21 THE WITNESS: What I assume was their 22 personal phones, yes. Because at the time nobody 23 had iPhones unless you were in a specialty or admin. 24 Troopers would have had either a flip phone or 25 nothing.</p>	121	<p>1 THE WITNESS: I don't know how common 2 knowledge it was. I assume that most troopers would 3 have known about it. 4 BY MS. WIESSNER: 5 Q. It wasn't a secret album? 6 A. No. 7 MR. WEINER: Objection, calls for 8 speculation. 9 THE WITNESS: Not that I'm aware, it wasn't 10 secret. 11 BY MS. WIESSNER: 12 Q. And what makes you think or assume that 13 most troopers knew about the album? 14 A. Because there's a lot of troopers that 15 shared on the album. 16 Q. Do you recall if at any point there were 17 more photos in the album than there are now? 18 A. I don't recall. 19 Q. Do you recall if there were ever more 20 members than there are now? 21 A. I don't recall. 22 Q. In your experience, do you create photo 23 albums to create and share memories; right? 24 A. Yes. 25 Q. Do you create photo albums of traumatic</p>

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122	<p>1 events?</p> <p>2 A. I don't.</p> <p>3 Q. I want to look through the membership list,</p> <p>4 which we'll make as a separate exhibit. We'll have</p> <p>5 two exhibits to make right now that I'll give you at</p> <p>6 the same time. So this will be 6 and 7?</p> <p>7 COURT REPORTER: 7 and 8.</p> <p>8 MS. WIESSNER: 7 and 8.</p> <p>9 (Exhibit Numbers 7 and 8 marked.)</p> <p>10 BY MS. WIESSNER:</p> <p>11 Q. If you don't mind, we'll actually start</p> <p>12 with 8.</p> <p>13 A. Okay.</p> <p>14 Q. Which I'll represent to you is the MRT</p> <p>15 Deployment Roster that was previously Exhibit 27 in</p> <p>16 other depositions. It's Bates stamped Engeldinger</p> <p>17 000106.</p> <p>18 Do you see the top of this is labeled, "MRT</p> <p>19 Deployment Roster"?</p> <p>20 A. Yes.</p> <p>21 Q. I'll represent to you this is the roster</p> <p>22 for May 30, 2020. Do you see at the top who the MRT</p> <p>23 commander is listed as?</p> <p>24 A. Jason Engeldinger.</p> <p>25 Q. Well, let's see. That one says platoon</p>	124	<p>1 Q. Does that refer to Michael Eck?</p> <p>2 A. Yes.</p> <p>3 Q. To the best of your recollection, he was</p> <p>4 your squad leader that day, on May 30th; right?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recognize the names of other members</p> <p>7 of your squad either from the George Floyd operation</p> <p>8 period or from your home station?</p> <p>9 A. Yes. And if I can clarify, the squad</p> <p>10 leader, if you see the first gray box, it says SL,</p> <p>11 and then the squad leader would be Travis Pearson.</p> <p>12 So Lieutenant Eck -- and not to be critical. I just</p> <p>13 want to make sure -- that he would have -- he would</p> <p>14 have been like the lieutenant overlooking it, so</p> <p>15 just to clarify.</p> <p>16 Q. That is very helpful. Don't worry about</p> <p>17 criticizing me. My husband does it all the time.</p> <p>18 Is there anyone else on your squad that you know or</p> <p>19 recognize?</p> <p>20 A. Yes.</p> <p>21 Q. Let's start at the top. Travis Pearson?</p> <p>22 A. Yes.</p> <p>23 Q. Does he work at 3100 with you as well?</p> <p>24 A. Yes, he does.</p> <p>25 Q. Is DuPaul Sara DuPaul?</p>
123	<p>1 commander; right?</p> <p>2 A. Oh, I'm sorry, yes. So MRT Commander</p> <p>3 Captain Joe Dwyer, Car 25.</p> <p>4 Q. And to the best of your recollection, was</p> <p>5 Captain Dwyer, now Major Dwyer, the MRT commander on</p> <p>6 May 30th?</p> <p>7 MR. WEINER: Objection, asked and answered.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. WIESSNER:</p> <p>10 Q. And Jason Engeldinger was the platoon</p> <p>11 commander or co-commander?</p> <p>12 MR. WEINER: Objection, asked and answered.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. Do you see MSP Squad 3 labeled here?</p> <p>16 A. Yes.</p> <p>17 Q. Do you see T. Johnson listed on that squad?</p> <p>18 A. Yes.</p> <p>19 Q. Would that refer to you, Tesa Johnson?</p> <p>20 A. Yes.</p> <p>21 Q. So you were on MSP Squad 3 on May 30, 2020?</p> <p>22 A. Yes.</p> <p>23 Q. And you'll see at the top of your squad,</p> <p>24 Lieutenant Eck. Do you see that?</p> <p>25 A. Yes.</p>	125	<p>1 A. Yes.</p> <p>2 Q. Do you recall being on a squad with her?</p> <p>3 A. Yes.</p> <p>4 Q. On May 30th?</p> <p>5 A. I don't think our squads changed really.</p> <p>6 I'm -- I remember -- I remember when I interact with</p> <p>7 people. There wasn't a lot of interaction in</p> <p>8 certain instances. So the first day that we were</p> <p>9 there, Sara and I, we interacted quite a bit. If</p> <p>10 this is what it lists for May 30th, then that's what</p> <p>11 our squad would have been.</p> <p>12 Q. So you recall being on her squad multiple</p> <p>13 days?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall being on a squad with, is it</p> <p>16 Nigg or Nigg?</p> <p>17 A. Nigg, Chad Nigg.</p> <p>18 Q. Do you recall being on his squad?</p> <p>19 A. Yes.</p> <p>20 Q. Does he work at 3100?</p> <p>21 A. No.</p> <p>22 Q. Do you recall Roseberry? I believe this</p> <p>23 should be Rosenberg.</p> <p>24 A. Correct.</p> <p>25 Q. Do you recall being on a squad with</p>

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<p style="text-align: right;">126</p> <p>1 Rosenberry?</p> <p>2 A. Yes.</p> <p>3 Q. To the best of your knowledge, is there a</p> <p>4 Roseberry?</p> <p>5 A. No.</p> <p>6 Q. Milless?</p> <p>7 A. It might --</p> <p>8 Q. Milless?</p> <p>9 A. Milless or Millsness. I don't -- I don't</p> <p>10 know. I believe his first name is Tyler.</p> <p>11 Q. So you believe his first name is Tyler. Do</p> <p>12 you recall being on a squad with someone with this</p> <p>13 name regardless of how it's pronounced?</p> <p>14 A. Yes.</p> <p>15 Q. Slagter or Slaughter?</p> <p>16 A. Yes.</p> <p>17 Q. Who is this?</p> <p>18 A. I don't remember his first name, but he's</p> <p>19 got brown hair, tall, real skinny.</p> <p>20 Q. Do you recall being on a squad with</p> <p>21 J. Brown?</p> <p>22 A. Yes.</p> <p>23 Q. What is the J for?</p> <p>24 A. Jason.</p> <p>25 Q. Jason Brown. Is he at 3100?</p>	<p style="text-align: right;">128</p> <p>1 A. Steve.</p> <p>2 Q. Do you recall being on a squad with Steve</p> <p>3 Vanderport?</p> <p>4 A. Yes.</p> <p>5 Q. Is he at 3100?</p> <p>6 A. No.</p> <p>7 Q. K. Rock is Kendra Rock; right?</p> <p>8 A. Yes.</p> <p>9 Q. Is she at 3100?</p> <p>10 A. No.</p> <p>11 Q. Do you remember being on her squad?</p> <p>12 A. I don't remember seeing her, either, but</p> <p>13 she must -- I mean if she was there, she was there.</p> <p>14 I didn't interact with her.</p> <p>15 Q. Sure. And Brian VanDenEinde; is that</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall being on his squad?</p> <p>19 A. Yes.</p> <p>20 Q. Was he at 3100?</p> <p>21 A. No.</p> <p>22 Q. All right, we're going to go through the</p> <p>23 next exhibit. Keep this one by you, because what</p> <p>24 we're going to do is try and identify who from your</p> <p>25 squad or the MRT was members of the group.</p>
<p style="text-align: right;">127</p> <p>1 A. No.</p> <p>2 Q. Do you recall being on a squad with</p> <p>3 Lockman?</p> <p>4 A. I don't remember who that is.</p> <p>5 Q. I'll represent to you that's Ben Lockman,</p> <p>6 he's a defendant in this case.</p> <p>7 A. Oh, okay. Yeah, I do not remember who he</p> <p>8 is.</p> <p>9 Q. Sure, no problem. Christianson?</p> <p>10 A. Christianson. Do we have a first name?</p> <p>11 Q. I don't.</p> <p>12 A. It'll come to me, but I don't remember that</p> <p>13 one.</p> <p>14 Q. Regardless of first name, you remember</p> <p>15 being on a squad with someone named Christianson?</p> <p>16 A. Yeah. Yes.</p> <p>17 Q. Do you know who Prokosch is?</p> <p>18 A. Dale, yes.</p> <p>19 Q. Is he at 3100?</p> <p>20 A. No.</p> <p>21 Q. You recall being on a squad with him?</p> <p>22 A. Yes.</p> <p>23 Q. Vanderport?</p> <p>24 A. Yes.</p> <p>25 Q. Who is Vanderport?</p>	<p style="text-align: right;">129</p> <p>1 A. Okay.</p> <p>2 Q. This Exhibit 7, does this look familiar to</p> <p>3 you?</p> <p>4 A. Yes.</p> <p>5 Q. Is this the list of members of the Google</p> <p>6 shared album that you sent to Carolyn Cole?</p> <p>7 A. Yes.</p> <p>8 Q. I believe you'll see at the top, it's</p> <p>9 Kristie Hathaway's; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Is that how you know she's the owner?</p> <p>12 A. Yes.</p> <p>13 Q. Because it's listed as owner; right?</p> <p>14 A. Yes.</p> <p>15 Q. You see you're next, it says Tesa Johnson;</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. Do you see the "Leave" button next to your</p> <p>19 name?</p> <p>20 A. Yes.</p> <p>21 Q. So you could leave this album at any time;</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And you don't know if your photos would</p> <p>25 leave with you?</p>

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<p style="text-align: right;">130</p> <p>1 A. Correct.</p> <p>2 Q. Do you know who Ryan V. is?</p> <p>3 A. I don't.</p> <p>4 Q. Is it possible that Ryan V. is --</p> <p>5 MR. WEINER: Objection. She said she</p> <p>6 doesn't know.</p> <p>7 MS. WIESSNER: Oh, actually, and I answered</p> <p>8 my own question.</p> <p>9 BY MS. WIESSNER:</p> <p>10 Q. Your Vanderport was Steve.</p> <p>11 A. Correct.</p> <p>12 Q. So that's not Vanderport.</p> <p>13 A. Correct.</p> <p>14 Q. Okay. Is it possible that's Vereeken,</p> <p>15 who's on Squad --</p> <p>16 MR. WEINER: Objection, calls for</p> <p>17 speculation.</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. Do you know a Vereeken?</p> <p>20 A. It's Vereeken.</p> <p>21 Q. Vereeken.</p> <p>22 A. And it's not him.</p> <p>23 Q. Okay. Do you see a Mike at the bottom of</p> <p>24 this page?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">132</p> <p>1 Q. Turn to page 2. Do you see Anthony Nelson</p> <p>2 on this page, towards the middle?</p> <p>3 A. Yes.</p> <p>4 Q. Do you see a Nelson listed on CART on the</p> <p>5 roster? Right in the red.</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that's Anthony Nelson?</p> <p>8 A. I do not.</p> <p>9 Q. Do you see a David F. listed on the</p> <p>10 membership page?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know who David F. is, what the F</p> <p>13 stands for?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know who Rick H. is, what the H</p> <p>16 stands for?</p> <p>17 A. I do not.</p> <p>18 Q. There's a Lieutenant Hayes on Squad 1. Is</p> <p>19 Lieutenant Hayes' first name Rick or Richard?</p> <p>20 A. I don't know.</p> <p>21 Q. That's just fine. Let's turn to page 3.</p> <p>22 Do you see a Sara DuPaul listed here?</p> <p>23 A. Yes.</p> <p>24 Q. We confirmed she was on MRT Squad 3 with</p> <p>25 you; right?</p>
<p style="text-align: right;">131</p> <p>1 Q. Do you know who that Mike is?</p> <p>2 A. I do not.</p> <p>3 Q. Possible that's Mike Eck?</p> <p>4 MR. WEINER: Objection, calls for</p> <p>5 speculation. Already testified she doesn't know.</p> <p>6 THE WITNESS: It's possible, but I don't</p> <p>7 know.</p> <p>8 BY MS. WIESSNER:</p> <p>9 Q. Do you recall if Mike Eck was a member of</p> <p>10 the album?</p> <p>11 A. I don't.</p> <p>12 Q. Do you recall ever talking to him about the</p> <p>13 album?</p> <p>14 A. No.</p> <p>15 Q. Showing him the album?</p> <p>16 A. No.</p> <p>17 Q. If you were to click on this name in your</p> <p>18 phone, would you be able to see more information</p> <p>19 about that Mike?</p> <p>20 A. No. The only thing that pops up when you</p> <p>21 touch a name is to block that individual, that's it.</p> <p>22 Q. No option to message that person?</p> <p>23 A. Correct.</p> <p>24 Q. Doesn't show their email?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">133</p> <p>1 A. Yes.</p> <p>2 Q. Do you know if she added photos to the</p> <p>3 album?</p> <p>4 A. I believe so.</p> <p>5 Q. There's an A. Ryan.</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that is A. Ryan -- On Squad</p> <p>8 4, there's a Ryan. Is that the same Ryan?</p> <p>9 A. I believe so.</p> <p>10 Q. There's an Eric Fischer on this page, and a</p> <p>11 Fischer listed on the CART team. Is that Eric</p> <p>12 Fischer from the CART team?</p> <p>13 A. I cannot confirm. I don't know.</p> <p>14 Q. Do you know any other Fischers in the State</p> <p>15 Patrol?</p> <p>16 A. Not off the top of my head.</p> <p>17 Q. There's a Renee A. Do you see that name?</p> <p>18 A. Yes.</p> <p>19 Q. Is her last name Armstrong?</p> <p>20 A. I do not know.</p> <p>21 Q. Do you know who Renee A. is?</p> <p>22 A. No.</p> <p>23 Q. Page 4, the next page, there's a Megan</p> <p>24 Brynell. Do you see that name?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">134</p> <p>1 Q. Is that Megan Brynell from Squad 2 on your 2 roster? 3 A. Yes. 4 Q. A Scott Smith on this page. Yes, Scott 5 Smith on this page, do you see that? 6 A. Yes. 7 Q. Is that S. Smith from Squad 2? 8 A. I can't confirm. I don't know. 9 Q. There's a Megan listed on this page with no 10 last name. Do you know that Megan's last name? 11 A. I don't. 12 Q. Do you see that Megan has a photo there? 13 A. Yes. 14 Q. Is that a photo you added or any reason to 15 believe Megan is a contact you have? 16 A. No. 17 Q. See there's a Kevin Skalsky on this page. 18 Do you see that? 19 A. Yes. 20 Q. Is that Skalsky from the CART team on your 21 roster? 22 A. I -- I would -- if I was -- if this was 23 during right now, I would assume that it would be 24 Kevin. 25 Q. Do you know Kevin Skalsky?</p>	<p style="text-align: right;">136</p> <p>1 Q. This might be a repeat because I think 2 we've already determined that we think that's Steve 3 Fischer on CART; right? 4 A. I think we had a different Fischer because 5 -- Eric Fischer. 6 Q. Ah, an Eric or Steve. Do you know whether 7 the Fischer on CART is Eric, Steve or neither? 8 A. I don't know who that is. 9 Q. To the best of your knowledge, are Eric and 10 Steve Fischer related? 11 A. To the best of my knowledge, they are not. 12 I don't think they are. 13 Q. It's fine, you're probably not related to 14 every Johnson. Do you see Joe Dellwo on the 15 membership page? 16 A. Yes. 17 Q. Is that Joe Dellwo on Squad 1? 18 A. No. That's his dad. 19 Q. Ah, that's his dad. Joe is the dad? 20 A. Correct. 21 Q. What position does father Joe Dellwo, in 22 the non-Catholic priest sense, what position does he 23 hold at the State Patrol? 24 A. Retired. 25 Q. What was he at the time of the George Floyd</p>
<p style="text-align: right;">135</p> <p>1 A. I do. 2 Q. Do you know anyone else on the State Patrol 3 with the last name Skalsky? 4 A. No, I don't. 5 Q. But you're not sure that that CART person 6 is Skalsky? 7 A. I'm -- I can't confirm. I didn't -- but 8 there's nobody that I recall with the same last 9 name. 10 Q. Yeah. Do you recall if Kevin Skalsky from 11 the album put up photos in the album? 12 A. Yes. 13 Q. On the next page, we'll go to 5, do you see 14 that there's a Mike Hill listed here? 15 A. Yes. 16 Q. So obviously that's not Mike Eck; right? 17 A. Correct. 18 Q. Does having one less Mike help you deduce 19 if the previous Mike might be Lieutenant Eck? 20 A. I don't have any way to be able to identify 21 if that's Mike Eck. 22 Q. Do you see a Steven Fischer on this page? 23 A. I see -- 24 Q. Steve Fischer? 25 A. -- Steve Fischer, yes.</p>	<p style="text-align: right;">137</p> <p>1 operation? 2 A. I think retired. 3 Q. So there are members of this group who were 4 retired State Patrol folks? 5 A. I can't verify. I know that he's been 6 retired for a while. I don't know if he was retired 7 during this time, but I feel like he was. 8 Q. Sure. To the best of your knowledge, were 9 there non-State Patrol members of this photo album? 10 A. Not that I'm aware of. 11 Q. Family members of State Patrol people who 12 are non-State Patrol? 13 A. Other than the family member Joe to Kenny, 14 his son, I have -- I don't have any knowledge of 15 anybody on this list not being part of the State 16 Patrol. 17 Q. Sure. But you joined with your personal 18 email; right? 19 A. Correct. 20 Q. So there's no reason you couldn't join if 21 you weren't a member of the State Patrol; right? 22 A. Correct. 23 MR. WEINER: Objection, calls for 24 speculation. 25 BY MS. WIESSNER:</p>

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<p style="text-align: right;">138</p> <p>1 Q. Do you see Adam Schmidt listed on this</p> <p>2 page?</p> <p>3 A. I do.</p> <p>4 Q. Is that -- oh, on Squad 1 there's an Aaron</p> <p>5 Schmidt and then an A. Schmidt; is that right? Am I</p> <p>6 making that up?</p> <p>7 A. We've got a Schmidt without --</p> <p>8 Q. Yes, we have an Aaron Schmidt on Squad 1.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And then on Squad --</p> <p>12 MR. WEINER: I think Squad 1 is about five</p> <p>13 lines down.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. There's another Schmidt with no letter. Do</p> <p>16 you see that?</p> <p>17 A. Correct.</p> <p>18 Q. Is that Aaron Schmidt -- or Adam Schmidt</p> <p>19 then?</p> <p>20 A. Possibly.</p> <p>21 Q. Because I see the only person on here with</p> <p>22 a whole first name, not just a letter, is Aaron</p> <p>23 Schmidt; right?</p> <p>24 A. Right.</p> <p>25 Q. So safe to assume that the other Schmidt is</p>	<p style="text-align: right;">140</p> <p>1 A. Perhaps.</p> <p>2 Q. Do you know who Justin S. is or what the S</p> <p>3 stands for?</p> <p>4 A. I don't.</p> <p>5 Q. And I'm not trying to trick you. I'm</p> <p>6 just --</p> <p>7 A. No, I understand. I'm just trying to</p> <p>8 recall if I know the individuals. A lot of times</p> <p>9 it's last name or -- it's just a big department.</p> <p>10 Sometimes I just don't know. But I don't know who</p> <p>11 that one is.</p> <p>12 Q. Do you see Nate Walton on this page?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if that is Walton from Squad 4?</p> <p>15 A. I don't.</p> <p>16 Q. And do you see a Kevin Wellens on this</p> <p>17 page?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know if that is Wellens from Squad</p> <p>20 1?</p> <p>21 A. I don't.</p> <p>22 Q. The next page, page 7, do you know who</p> <p>23 Chris F. is, what the F stands for?</p> <p>24 A. No.</p> <p>25 Q. We'll look at page 8 to 9. You'll see</p>
<p style="text-align: right;">139</p> <p>1 Adam Schmidt?</p> <p>2 MR. WEINER: Objection, calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: It's possible. There are</p> <p>5 other Schmidts on the State Patrol, so I don't know.</p> <p>6 MS. WIESSNER: Sure.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Next page, page 6. Do you see Kendra Rock</p> <p>9 listed on this page?</p> <p>10 A. Yes.</p> <p>11 Q. And she was on your squad; right?</p> <p>12 A. That's what it lists.</p> <p>13 Q. John Thompson on this page?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if that's Thompson from Squad</p> <p>16 4?</p> <p>17 A. I don't.</p> <p>18 Q. There's a JW listed. Do you know what</p> <p>19 those initials stand for?</p> <p>20 A. I don't.</p> <p>21 Q. Totally fine. The name Michael</p> <p>22 Fredrickson, do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know if that's Fredrickson from</p> <p>25 Squad 2?</p>	<p style="text-align: right;">141</p> <p>1 about halfway down the page, it starts listing just</p> <p>2 email addresses. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know why some list names and some</p> <p>5 list emails?</p> <p>6 A. I don't.</p> <p>7 Q. For Joe k-a-v-l-i-e, not sure if it's all</p> <p>8 one last name, do you know who that is?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know who Darren -- the one email</p> <p>11 that starts with Darren, the next one, do you know</p> <p>12 who that is?</p> <p>13 A. No.</p> <p>14 Q. Scott D. McCarty, do you know who that one</p> <p>15 is?</p> <p>16 A. No.</p> <p>17 Q. Thomas Haugen, do you know who that is?</p> <p>18 A. Yes.</p> <p>19 Q. Who's Thomas Haugen?</p> <p>20 A. He is a trooper.</p> <p>21 Q. Is he on the MRT?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you remember him being at the George</p> <p>24 Floyd operation period?</p> <p>25 A. I don't remember anything specific about</p>

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<p style="text-align: right;">142</p> <p>1 him there.</p> <p>2 Q. Is he at 3100 with you?</p> <p>3 A. He used to be, but he has since transferred</p> <p>4 several years ago.</p> <p>5 Q. Sure. Do you know who Jill Krause is?</p> <p>6 A. I've heard the name but I don't -- I don't</p> <p>7 know who she is.</p> <p>8 Q. Heard the name in the context of a person</p> <p>9 who's at the State Patrol?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know who M. Sorenson is?</p> <p>12 A. Not off the top of my head, no.</p> <p>13 Q. Keep going to the next page, I'm going to</p> <p>14 start out halfway down since the names have</p> <p>15 repeated. TD Shipma, maybe Shipman, do you know who</p> <p>16 that is?</p> <p>17 A. No.</p> <p>18 Q. CM Weidell, do you know who that is?</p> <p>19 A. No.</p> <p>20 Q. BJ Englund, do you know who that is?</p> <p>21 A. No.</p> <p>22 Q. Do you recognize a badge number 573 or know</p> <p>23 whose badge number might be 573?</p> <p>24 A. No.</p> <p>25 Q. Do you know whose email is 573 MSP?</p>	<p style="text-align: right;">144</p> <p>1 Q. Were those generic descriptions, when you</p> <p>2 say troopers/sergeants/lieutenants, or do you mean</p> <p>3 only troopers, lieutenants and sergeants added</p> <p>4 photos?</p> <p>5 MR. WEINER: Objection, vague.</p> <p>6 THE WITNESS: Just as a general.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. So possible there are captains that are in</p> <p>9 the group?</p> <p>10 A. It's possible.</p> <p>11 Q. Possible there are majors who are in the</p> <p>12 group?</p> <p>13 A. Possible.</p> <p>14 Q. Do you recall which sergeants or did you</p> <p>15 recognize anyone's name as a sergeant when we went</p> <p>16 through the membership?</p> <p>17 A. I'd have to look again to recall any</p> <p>18 sergeants. Do you want me to just quickly --</p> <p>19 Q. It would be helpful if you would just</p> <p>20 identify leadership as in a sergeant, lieutenant,</p> <p>21 captain or major.</p> <p>22 A. Okay.</p> <p>23 Q. So anyone who's above the trooper level.</p> <p>24 A. (Reviewing document). So in regards to</p> <p>25 sergeant -- and just for clarification, State</p>
<p style="text-align: right;">143</p> <p>1 A. No.</p> <p>2 Q. Do you know who Newton J. is?</p> <p>3 A. No.</p> <p>4 Q. This is a more distinct one, so do you know</p> <p>5 who Minnesota, or mnredneckbarbie is?</p> <p>6 A. Nope.</p> <p>7 Q. I think that's all of the names I had to</p> <p>8 look at.</p> <p>9 Taking another look at MSP 3, at your squad,</p> <p>10 besides the ones we've identified already, which was</p> <p>11 Sara DuPaul, you, Tyler Milless, or Milless, and</p> <p>12 Kendra Rock, do you recall any of the members of</p> <p>13 your squad using or looking at the shared album?</p> <p>14 A. No.</p> <p>15 Q. Do you recall talking to anyone on your</p> <p>16 squad about the Google album?</p> <p>17 A. No.</p> <p>18 Q. Do you recall talking to anyone at all on</p> <p>19 the MRT about the shared album?</p> <p>20 A. I don't recall specifically, no.</p> <p>21 Q. In your email, you say that the photos</p> <p>22 "were taken by troopers/sergeants/lieutenants that</p> <p>23 were all present and we all saved and shared the</p> <p>24 photos."</p> <p>25 A. Yes.</p>	<p style="text-align: right;">145</p> <p>1 Trooper sergeants, when -- this is how it was when I</p> <p>2 left. I assume it has not changed. They don't hold</p> <p>3 any sort of -- it's more of a ranking for scheduling</p> <p>4 rather than any sort of -- they don't have any</p> <p>5 authority, if that -- they don't -- they can't</p> <p>6 correct or discipline or anything like that. They</p> <p>7 write a schedule.</p> <p>8 Q. Sure, I'd still like you to identify them,</p> <p>9 but --</p> <p>10 A. Absolutely.</p> <p>11 Q. -- thank you for clarifying that.</p> <p>12 A. Al Ryan is a sergeant. Kevin Skalsky, if</p> <p>13 my memory serves me correctly, he is a lieutenant.</p> <p>14 Steve Fischer, lieutenant. Danielle is -- was --</p> <p>15 she was a dispatcher.</p> <p>16 Q. What does dispatcher mean?</p> <p>17 A. She answered the calls, the 911 calls or</p> <p>18 calls that would come in filtered through MSP and</p> <p>19 then dispatched troopers too.</p> <p>20 Q. Sure.</p> <p>21 A. Tyler Milless, I believe he is a</p> <p>22 lieutenant. Tyler Utthe, he -- there's a possibility</p> <p>23 he is a lieutenant. And that's all I can give you</p> <p>24 on that.</p> <p>25 Q. Do you recall if then Captain, now Major</p>

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146	<p>1 Dwyer was ever a member of the photo album?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall if Captain Engeldinger was</p> <p>4 ever a member of the photo album?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you recall talking to him about the</p> <p>7 photo album?</p> <p>8 A. No.</p> <p>9 Q. Do you recall if Ben Lockman was ever a</p> <p>10 member of the photo album?</p> <p>11 A. I don't recall.</p> <p>12 Q. Okay, let's turn back to the exhibit with</p> <p>13 the photos that you have in front of you.</p> <p>14 A. There we go.</p> <p>15 Q. Exhibit 3. And actually, just to be</p> <p>16 confusing, let's look at the email first, your</p> <p>17 email, Exhibit 6, yeah. So you included a photo</p> <p>18 with your email that's from the album; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And this photo shows you second from the</p> <p>21 left; right?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall where this photo was taken?</p> <p>24 A. This was at the initial muster point. I</p> <p>25 want to say it was a MnDOT garage.</p>	148	<p>1 focused.</p> <p>2 Q. Do you recall how you were feeling when</p> <p>3 this photo was taken?</p> <p>4 A. I mean we were -- we were ready to work.</p> <p>5 Q. And you'll also see the cover photo on your</p> <p>6 same email.</p> <p>7 A. Yes.</p> <p>8 Q. And in this photo, do you recall where this</p> <p>9 photo was taken?</p> <p>10 MR. WEINER: Objection, calls for</p> <p>11 speculation.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. Do you know where this photo was taken?</p> <p>14 A. I do not know.</p> <p>15 Q. Do you see a 35W South sign in the</p> <p>16 background?</p> <p>17 A. Yes.</p> <p>18 Q. And are these members of the State Patrol</p> <p>19 in their turtle gear in this photo?</p> <p>20 A. Yes.</p> <p>21 Q. Do you see the blue smoke?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall blue smoke being deployed on</p> <p>24 May 30, 2020 --</p> <p>25 A. Yes.</p>
147	<p>1 Q. Do you recall when it was taken?</p> <p>2 A. It was either the Wednesday or Thursday.</p> <p>3 It was like the first or second day -- or excuse me.</p> <p>4 It was either the first day that we -- when we went</p> <p>5 out, or the day prior when we were sent home. We</p> <p>6 suited up, then we were sent home, and then we came</p> <p>7 back down the next day. So it was either one of</p> <p>8 those two days.</p> <p>9 Q. So it was early?</p> <p>10 A. Correct.</p> <p>11 Q. That's what you mean by initial muster, is</p> <p>12 it was early in the operation?</p> <p>13 A. Yes.</p> <p>14 Q. You mentioned you are dressed for duty in</p> <p>15 this photo?</p> <p>16 A. Yes.</p> <p>17 Q. That's what's often referred to as the</p> <p>18 turtle suit?</p> <p>19 A. Yes.</p> <p>20 Q. This is the riot gear?</p> <p>21 A. Yes.</p> <p>22 Q. What was the atmosphere amongst the</p> <p>23 troopers at the time this photo was taken early in</p> <p>24 the George Floyd operation period?</p> <p>25 A. I would say that we were -- we were pretty</p>	149	<p>1 Q. -- outside the Fifth Precinct?</p> <p>2 A. Yes. I mean I remember the blue smoke</p> <p>3 being deployed that Saturday.</p> <p>4 Q. Sure.</p> <p>5 A. Okay.</p> <p>6 Q. Were you aware that the Fifth Precinct is</p> <p>7 close to 35W South?</p> <p>8 A. No.</p> <p>9 Q. Possible this is a photo from May 30th,</p> <p>10 though?</p> <p>11 A. Yes.</p> <p>12 MR. WEINER: Objection, calls for</p> <p>13 speculation.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. Why is this photo the cover photo? What</p> <p>16 makes it special or unique?</p> <p>17 MR. WEINER: Objection, calls for</p> <p>18 speculation.</p> <p>19 THE WITNESS: From my understanding, that</p> <p>20 it was taken by a member of the press and it was --</p> <p>21 it looks cool.</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. I believe the kids would call this a bad</p> <p>24 ass photo; right?</p> <p>25 A. That's accurate.</p>

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150	<p>1 MR. WEINER: Go on record that neither my</p> <p>2 15-year-old or 12-year-old would ever refer to this</p> <p>3 as a bad ass photo. Spoken like a true nonparent.</p> <p>4 MS. WIESSNER: Don't put it on the record</p> <p>5 that I'm old. I don't know what the kids say these</p> <p>6 days.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. Let's turn now to Exhibit 3, which is that</p> <p>9 packet of photos from the photo album or the group</p> <p>10 album. So let's take a look at the first three</p> <p>11 photos, if you'd just look at them to identify the</p> <p>12 area.</p> <p>13 MR. WEINER: Counsel, before, I'd asked</p> <p>14 that we get the file names for these photos. I was</p> <p>15 under the impression you guys were going to get that</p> <p>16 for us during the break. Did that happen?</p> <p>17 MR. NOEL: I think if you have the -- I</p> <p>18 mean, I know you asked for that, but if we have --</p> <p>19 we can get you those later. I feel like if you have</p> <p>20 the same photos we're looking at now, that should be</p> <p>21 sufficient.</p> <p>22 MR. WEINER: Well, the problem is there are</p> <p>23 600 files that I'd have to go through to find that.</p> <p>24 And so I prefer not to do that, particularly because</p> <p>25 I'd like to be able to match up the metadata to the</p>	152	<p>1 THE WITNESS: Okay.</p> <p>2 BY MS. WIESSNER:</p> <p>3 Q. In these first three photos, do you</p> <p>4 recognize this area from the George Floyd operation</p> <p>5 period?</p> <p>6 A. Yes.</p> <p>7 Q. Is this the Arden Hills or Shoreview</p> <p>8 staging area?</p> <p>9 A. It appears so.</p> <p>10 Q. Do you see in the first photo, there's</p> <p>11 Metro Transit buses in the background?</p> <p>12 A. Yes.</p> <p>13 Q. So when we discussed before that sometimes</p> <p>14 there were briefings at Arden Hills, Shoreview, is</p> <p>15 this the area that briefings would be held?</p> <p>16 A. This is the location where they would have</p> <p>17 been held, yes.</p> <p>18 Q. And if we look at the third photo, does</p> <p>19 that look to you like a group briefing of some sort?</p> <p>20 A. Yes.</p> <p>21 Q. You don't know when this briefing took</p> <p>22 place; right?</p> <p>23 A. No.</p> <p>24 Q. You don't know when this photo was taken?</p> <p>25 A. No.</p>
151	<p>1 photos that you guys have now put on this exhibit.</p> <p>2 So I'm going to ask again, during the break --</p> <p>3 I mean I know you guys have five attorneys on the</p> <p>4 case, paralegals and whatnot, that you send an email</p> <p>5 and you get the information for us because this is</p> <p>6 something that you guys pulled together. So please</p> <p>7 do that for us.</p> <p>8 MR. NOEL: Yeah, I don't think we've agreed</p> <p>9 to that, particularly during a break, so if that's</p> <p>10 going to be an issue, we can deal with it. I think</p> <p>11 for the deposition, as long as you have copies of</p> <p>12 the photographs that she's referring the witness to,</p> <p>13 you're in good shape, unless there's a concern that</p> <p>14 we've doctored the photos between the time we got</p> <p>15 them and Exhibit 3.</p> <p>16 MR. WEINER: Ms. Johnson, just so you know,</p> <p>17 they don't have this information, that may mean that</p> <p>18 I need to keep open this deposition to have you come</p> <p>19 back to answer these questions for me about the</p> <p>20 metadata on this. I'm doing this so that you don't</p> <p>21 have to come back. There's no guarantee that that's</p> <p>22 what's going to happen here, but I want to make sure</p> <p>23 that it's on the record that that's something that</p> <p>24 may have to happen, depending on what questions are</p> <p>25 asked and what information is provided on this.</p>	153	<p>1 Q. Can you tell who is standing and leading</p> <p>2 that briefing, either of those two folks standing</p> <p>3 facing the group?</p> <p>4 A. It appears as though the person that is</p> <p>5 speaking, the person who's standing further off to</p> <p>6 the right, the furthest to the right, would be</p> <p>7 Colonel Langer.</p> <p>8 Q. Can you tell who the person more to the</p> <p>9 left with their back to the camera is?</p> <p>10 A. It appears to be -- you know, I can't</p> <p>11 remember his name. I think he's out of the</p> <p>12 St. Cloud station, a lieutenant out of the St. Cloud</p> <p>13 station.</p> <p>14 Q. Lieutenant Stricker?</p> <p>15 A. No.</p> <p>16 Q. Lieutenant Geiger?</p> <p>17 A. No.</p> <p>18 Q. He's a captain, anyway, so now I'm just</p> <p>19 guessing. I'll stop.</p> <p>20 A. I haven't seen his name listed on anything</p> <p>21 yet, so --</p> <p>22 Q. Sure. Let's take a look at photos 4 --</p> <p>23 Let's just start with photo 4. Do you see yourself</p> <p>24 in the foreground on the left in this photo?</p> <p>25 A. Yes.</p>

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154	<p>1 Q. This is on one of the Metro Transit City or</p> <p>2 MTC buses; right?</p> <p>3 A. Yes.</p> <p>4 Q. You said you took the buses multiple times;</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. So do you know what day this photo was</p> <p>8 taken or when this was?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know the person sitting next to you?</p> <p>11 A. Yes.</p> <p>12 Q. Who is that?</p> <p>13 A. Karla Bearce.</p> <p>14 Q. Do you recall sitting next to Karla Bearce</p> <p>15 on a Metro Transit City bus during the George Floyd</p> <p>16 operation period?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know if that was May 30, 2020 or a</p> <p>19 different day?</p> <p>20 A. I don't.</p> <p>21 Q. The people in this bus are posing for a</p> <p>22 photo; right?</p> <p>23 A. Yes.</p> <p>24 Q. You see people smiling for the camera;</p> <p>25 right?</p>	156	<p>1 even mean? I don't know. But other than that,</p> <p>2 nothing -- nothing sticks out in my mind from these</p> <p>3 folks.</p> <p>4 Q. Is Tyler Milless in this photo?</p> <p>5 A. He is.</p> <p>6 Q. Which person is he?</p> <p>7 A. He is the fourth person -- fifth person</p> <p>8 from -- on the right side. So one, two, three,</p> <p>9 four, five (indicating).</p> <p>10 Q. This is going to be very hard for the</p> <p>11 record. Am I pointing to the right person?</p> <p>12 A. Indeed, yes, you are.</p> <p>13 Q. So starting at the front with the man on</p> <p>14 the right in the sunglasses, count one, two, three,</p> <p>15 four, five, and you'll see him by the aisle; is that</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Is there anyone else in this photo that you</p> <p>19 recognize from Squad 3 from your roster?</p> <p>20 A. Yes.</p> <p>21 Q. Who else?</p> <p>22 A. Travis Pearson is across from Karla.</p> <p>23 Q. Okay.</p> <p>24 A. Dave Johnston is behind Travis. The person</p> <p>25 behind Dave, I don't remember his name. If I could</p>
155	<p>1 A. Yes.</p> <p>2 Q. Do you recall what the mood or atmosphere</p> <p>3 was like on this bus?</p> <p>4 A. Again, I would say it was probably focused.</p> <p>5 I don't recall any -- anything on our buses that was</p> <p>6 -- that would be particularly notable that occurred</p> <p>7 or anything other than we were just getting ready to</p> <p>8 go and work and not get injured or our partners get</p> <p>9 injured or anything, so --</p> <p>10 Q. You mentioned some people were concerned</p> <p>11 about things they said on these buses being captured</p> <p>12 on camera. Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall if anyone on this bus was</p> <p>15 saying things that they wouldn't want to be captured</p> <p>16 on camera or would be concerned about being captured</p> <p>17 on camera?</p> <p>18 A. There -- there was -- and I don't even</p> <p>19 understand what the significance of it, but Tyler</p> <p>20 Millness, I always want to say Millsness, I don't</p> <p>21 know why, but Millness, was a bit on the louder</p> <p>22 side. There was a lot of -- he -- tip of the spear,</p> <p>23 I don't know what it means, but I know I was --</p> <p>24 heard that several times and I didn't -- and it</p> <p>25 sticks in my head because I'm like, what does that</p>	157	<p>1 just kind of do this here (indicating). Jason</p> <p>2 Brown.</p> <p>3 Q. With the bald head, kind of leaning into</p> <p>4 the aisle?</p> <p>5 A. Correct.</p> <p>6 Q. Okay, Jason Brown.</p> <p>7 A. I want to say this is Stricker.</p> <p>8 Q. Behind Miss Bearce?</p> <p>9 A. Correct. Behind Stricker is Kendra Rock.</p> <p>10 Q. Kendra Rock is next to the bald man who we</p> <p>11 identified as Brown?</p> <p>12 A. It appears so, yes. And this is Chad Nigg.</p> <p>13 Q. Who is up and to the left, larger man</p> <p>14 behind Kendra Rock?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. I believe that's Brian VanDenEinde.</p> <p>18 Q. Who is next to --</p> <p>19 A. Off to the right of Chad.</p> <p>20 Q. Off to the right, further towards the back</p> <p>21 of the bus?</p> <p>22 A. Correct, standing up. And across here is</p> <p>23 Steve Vanderport.</p> <p>24 Q. So he is on the other aisle-facing seat to</p> <p>25 the left, further back on the bus?</p>

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<p style="text-align: right;">158</p> <p>1 A. Standing up, yes.</p> <p>2 Q. Standing up, okay. Do you recognize who's</p> <p>3 next to him?</p> <p>4 A. Is that the Lockman kid?</p> <p>5 Q. I would ask you if that is Ben Lockman.</p> <p>6 A. I'm sorry. I do -- I think I do know his</p> <p>7 face now, yeah.</p> <p>8 Q. I'll represent I also believe that's Ben</p> <p>9 Lockman.</p> <p>10 A. I apologize, sometimes I need to see a face</p> <p>11 and then remember their name. And John --</p> <p>12 Q. In the sunglasses is John?</p> <p>13 A. Yes. I don't know why his last name is</p> <p>14 escaping me right now. I can't remember his last</p> <p>15 name right now, but it might come to me.</p> <p>16 Q. Sure. Does seeing Ben Lockman's face</p> <p>17 refresh your recollection of any conversations or</p> <p>18 interactions with him?</p> <p>19 A. No. I think he was just -- I remember him</p> <p>20 because he was a young trooper. That's it.</p> <p>21 Q. If we turn to photo 6, is this a selfie</p> <p>22 with you and Karla Bearce; right?</p> <p>23 A. Yes.</p> <p>24 Q. How were you feeling when this photo was</p> <p>25 taken?</p>	<p style="text-align: right;">160</p> <p>1 A. I don't know who took it, no.</p> <p>2 Q. I'll represent that it is labeled in the</p> <p>3 group as Tyler Millness or Milless. Does that</p> <p>4 refresh your recollection?</p> <p>5 A. I mean I know who it is, but it doesn't</p> <p>6 refresh that --</p> <p>7 Q. Sure, if you don't know, you don't know.</p> <p>8 A. Yeah.</p> <p>9 Q. But Tyler Milless was on your squad on</p> <p>10 May 30th; right?</p> <p>11 A. Yes.</p> <p>12 Q. So on this photo, it's labeled the morale</p> <p>13 meter; right?</p> <p>14 A. Yes.</p> <p>15 Q. And it starts at sandwich bad; right?</p> <p>16 A. Yes.</p> <p>17 Q. And then it goes all the way up to shock</p> <p>18 and awe; right?</p> <p>19 A. Yes.</p> <p>20 Q. Can you explain what this morale meter</p> <p>21 means?</p> <p>22 MR. WEINER: Objection, calls for</p> <p>23 speculation.</p> <p>24 THE WITNESS: The morale meter is -- it's</p> <p>25 kind of, I would say -- when we would have the</p>
<p style="text-align: right;">159</p> <p>1 A. Same thing. Karla is a good friend of mine</p> <p>2 and we have been on MRT together and we've taught</p> <p>3 together quite a bit. We were just getting ready to</p> <p>4 go out and deal with a civil -- another civil</p> <p>5 unrest.</p> <p>6 Q. Was there a sense of excitement about being</p> <p>7 in a historic event?</p> <p>8 A. Yes.</p> <p>9 Q. And if we look at photo 7, is that Sara</p> <p>10 DuPaul on the right?</p> <p>11 A. Yes.</p> <p>12 Q. Who's on the left?</p> <p>13 A. Brian VanDenEinde.</p> <p>14 Q. Brian VanDenEinde is giving a thumbs up;</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Sara DuPaul is smiling?</p> <p>18 A. Yes.</p> <p>19 Q. Do they look terrified or traumatized in</p> <p>20 this photo?</p> <p>21 A. No.</p> <p>22 Q. Turn to photo 8. Do you recognize this</p> <p>23 photo?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know who took it?</p>	<p style="text-align: right;">161</p> <p>1 debriefs, it was sort of something that we would say</p> <p>2 kind of to light -- to, say, lighten the mood.</p> <p>3 There was a trooper and he -- he was funny, and</p> <p>4 he would get up and he would, you know -- like the</p> <p>5 first couple days, or the first maybe 30 hours or</p> <p>6 so, we didn't even have food. We were working -- we</p> <p>7 were working 20 plus hours. And so with law</p> <p>8 enforcement having, you know -- we're out there,</p> <p>9 we're working, we're not stopping, so that's the</p> <p>10 morale meter would be like low. And they're</p> <p>11 referring to it as sandwich bad. Meh, not so good.</p> <p>12 It was more of a morale sort of deal, of we</p> <p>13 have been on our feet, we haven't eaten, we haven't</p> <p>14 slept, and it continued. You know, we were on five</p> <p>15 hours of sleep for a long time, and so this was, I</p> <p>16 would say, more of comedic relief, per se, I guess.</p> <p>17 Shock and awe, on this, I don't -- I can't say</p> <p>18 what it was referring to as -- meaning sandwich bad,</p> <p>19 I mean it's not -- that's not we got a sandwich that</p> <p>20 sucked. It's just what he put at the lower one, I</p> <p>21 guess, so I don't know how to interpret it.</p> <p>22 MS. WIESSNER: That's fine.</p> <p>23 BY MS. WIESSNER:</p> <p>24 Q. So you said this is comedic relief; right?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">162</p> <p>1 Q. This isn't an official order that's given</p> <p>2 in a briefing; right?</p> <p>3 A. No. This is by a trooper as, you know --</p> <p>4 not anything that was given by a admin.</p> <p>5 Q. So shock and awe in this context is</p> <p>6 different than how we were talking about shock and</p> <p>7 awe being given at a briefing or ordered at a</p> <p>8 briefing?</p> <p>9 A. Correct.</p> <p>10 MR. WEINER: Objection, misstates the</p> <p>11 testimony and calls for speculation.</p> <p>12 THE WITNESS: Yes, correct, I would say</p> <p>13 that, or agree to that.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. So this doesn't refer to using a lot of</p> <p>16 force bringing up morale?</p> <p>17 A. No.</p> <p>18 Q. Let's take a look at photos 10 and 11.</p> <p>19 What are these two photos depicting?</p> <p>20 MR. WEINER: Objection, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: 10 and 11 are pictures of --</p> <p>23 if you look closely, you can see the pull pin, and I</p> <p>24 have a paper tape over my pull pin. And if you look</p> <p>25 at photo 11, you can see the tape on the other side.</p>	<p style="text-align: right;">164</p> <p>1 understand that Mark 9 OC spray is what Carolyn and</p> <p>2 Molly were sprayed in the face with?</p> <p>3 A. Yes.</p> <p>4 MR. WEINER: Objection, calls for</p> <p>5 speculation.</p> <p>6 THE WITNESS: Yes, I do.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. It would be painful to be sprayed in the</p> <p>9 face with OC spray?</p> <p>10 A. Very much.</p> <p>11 Q. It would make your eyes burn?</p> <p>12 A. Yes.</p> <p>13 Q. It would incapacitate you when it hits your</p> <p>14 face?</p> <p>15 MR. WEINER: Objection, calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: It's possible.</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. It might make you fall down?</p> <p>20 MR. WEINER: Objection, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: It's possible.</p> <p>23 BY MS. WIESSNER:</p> <p>24 Q. It would make it hard to see?</p> <p>25 MR. WEINER: Objection, calls for</p>
<p style="text-align: right;">163</p> <p>1 So I had put that on there because if you pull the</p> <p>2 pin, just like -- if you pull the pin, you can spray</p> <p>3 this. If you've ever been sprayed by anything,</p> <p>4 pepper spray, OC, anything like that, you know that</p> <p>5 this is not going back on your body until it's</p> <p>6 repinned.</p> <p>7 So what I was showing was let's tape it in and</p> <p>8 then we're not -- it's not going to get pulled out</p> <p>9 while we're working, and you're not going to lose it</p> <p>10 and you can put it right back in.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. That's very helpful. I'm going to walk</p> <p>13 back a little bit just to confirm. This is Mark 9;</p> <p>14 correct?</p> <p>15 A. Correct, yes.</p> <p>16 Q. Or labeled MK-9; right?</p> <p>17 A. Yes.</p> <p>18 Q. It's Oleo-Resin Capsicum, OC spray; right?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. Commonly referred to as pepper spray?</p> <p>21 A. Yes.</p> <p>22 Q. So what you're referring to is a system to</p> <p>23 repin and keep your Mark 9 safe?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. As you sit here today, do you</p>	<p style="text-align: right;">165</p> <p>1 speculation.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. WIESSNER:</p> <p>4 Q. Let's take a look at photos 14 and 15. So</p> <p>5 we'll start with 14. Do you see that this is a</p> <p>6 screen shot of several photos from the album?</p> <p>7 A. Yes.</p> <p>8 Q. Do you see a photo labeled Josh Monson with</p> <p>9 a black man being arrested?</p> <p>10 A. Yes.</p> <p>11 Q. Do you see a photo labeled Joe Wressell</p> <p>12 with what I believe to be a blonde white woman being</p> <p>13 arrested?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know why these arrests were worthy</p> <p>16 of putting up in the group or relevant to put up in</p> <p>17 the group?</p> <p>18 MR. WEINER: Objection, calls for</p> <p>19 speculation.</p> <p>20 THE WITNESS: I don't know if there was a</p> <p>21 particular reason why they were uploaded, other than</p> <p>22 just being part of the George Floyd incident.</p> <p>23 BY MS. WIESSNER:</p> <p>24 Q. You weren't present or don't recall being</p> <p>25 present for either of these arrests?</p>

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166	<p>1 A. I was present for the arrest that you see</p> <p>2 with the blonde white woman.</p> <p>3 Q. Okay. Was there something notable about</p> <p>4 that arrest that would warrant putting up pictures</p> <p>5 in the album of it?</p> <p>6 MR. WEINER: Objection, calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: I don't know. I know that</p> <p>9 these were taken, we were on the freeway and there</p> <p>10 were -- it was -- they were given commands to</p> <p>11 disperse, people didn't disperse, and I -- I</p> <p>12 remember this, but nothing notable other than there</p> <p>13 was photographers up above on those -- on the walls</p> <p>14 that -- I think they were sound barrier walls or</p> <p>15 something.</p> <p>16 I'm not very familiar with the -- I'm not</p> <p>17 familiar at all with the Twin Cities, or limited, I</p> <p>18 guess. But they were taken by a photographer and</p> <p>19 Joe must have screen grabbed them off of the</p> <p>20 internet or something somewhere.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. These photos depict their faces; right?</p> <p>23 A. These photos depict --</p> <p>24 Q. The face of the arrestee.</p> <p>25 A. Correct.</p>	168	<p>1 Q. Sure. Do you recall this arrest happening?</p> <p>2 A. No.</p> <p>3 Q. Do you know anything about why this arrest</p> <p>4 would be notable or included in the photo album?</p> <p>5 A. No.</p> <p>6 Q. Do you see something on this arrestee's</p> <p>7 shirt collar, on the front of his shirt?</p> <p>8 A. Is it glasses or sunglasses hanging? Or</p> <p>9 there's something hanging from his shirt.</p> <p>10 Q. But you don't know what that is?</p> <p>11 A. No.</p> <p>12 Q. Let's take a look at photo 16. Do you</p> <p>13 recognize this photo?</p> <p>14 A. Mm-hmm (nodding head).</p> <p>15 Q. Do you know who posted this photo?</p> <p>16 A. I don't.</p> <p>17 Q. Do you see the caption says, "Capital has</p> <p>18 us like"?</p> <p>19 A. Yeah.</p> <p>20 Q. Do you see that?</p> <p>21 A. Yeah.</p> <p>22 Q. Do you recognize what kind of caption this</p> <p>23 is?</p> <p>24 A. Snapchat.</p> <p>25 Q. So this was a photo posted on the social</p>
167	<p>1 Q. Is it appropriate to circulate photos of</p> <p>2 someone being arrested?</p> <p>3 A. I would say no.</p> <p>4 Q. To the best of your knowledge, would that</p> <p>5 violate any State Patrol policies?</p> <p>6 A. Well, according to the policies, I would</p> <p>7 say yes.</p> <p>8 Q. Which policies are you referring to?</p> <p>9 A. Well, if she's arrested, I would think that</p> <p>10 it's considered an active investigation. Granted,</p> <p>11 it's taken by a professional photographer so I don't</p> <p>12 know where -- without having general orders in front</p> <p>13 of me, being able to look at them, but I'm sure it's</p> <p>14 a violation of something.</p> <p>15 Q. And if we take a look at photo 15 on the</p> <p>16 next page, would be a larger view of that one, do</p> <p>17 you recognize this person?</p> <p>18 A. The 401?</p> <p>19 Q. Let's start with the man being arrested or</p> <p>20 who appears to be arrested. Do you recognize the</p> <p>21 person on the left being arrested?</p> <p>22 A. I do not.</p> <p>23 Q. Do you recognize a State Patrol officer</p> <p>24 with helmet labeled 401?</p> <p>25 A. I do. His name is escaping me.</p>	169	<p>1 media app Snapchat?</p> <p>2 A. Originally, I would assume so, yes.</p> <p>3 Q. And are you familiar with Snapchat?</p> <p>4 A. Yes.</p> <p>5 Q. It allows you to send photos to your</p> <p>6 friends and contacts; right?</p> <p>7 A. Yes.</p> <p>8 Q. You can add captions, you can edit or draw</p> <p>9 on the photos; right?</p> <p>10 A. Yes.</p> <p>11 Q. You can send those photos to anyone on</p> <p>12 Snapchat, whether they're your friend, in your phone</p> <p>13 or just on the app; right?</p> <p>14 A. Correct.</p> <p>15 Q. So this photo could be sent not just to</p> <p>16 troopers; right?</p> <p>17 A. Correct.</p> <p>18 Q. Were you aware that State Patrol troopers</p> <p>19 were sending and sharing photos on Snapchat during</p> <p>20 the George Floyd operation?</p> <p>21 A. Most likely, I'm sure I was.</p> <p>22 Q. Were you sending or sharing photos on</p> <p>23 Snapchat?</p> <p>24 A. I don't -- I don't remember. It's</p> <p>25 possible. I don't remember.</p>

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171	<p>1 circulating photos when you're on duty in uniform,</p> <p>2 even if they're funny, is not appropriate; right?</p> <p>3 MR. WEINER: Objection, calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: I suppose not. Yeah, I mean,</p> <p>6 yeah, that's -- it's probably not appropriate.</p> <p>7 BY MS. WIESSNER:</p> <p>8 Q. But you were aware that State Patrol</p> <p>9 troopers were sharing and sending photos on Snapchat</p> <p>10 during the George Floyd operation?</p> <p>11 A. Yes.</p> <p>12 MR. WEINER: Objection, calls for</p> <p>13 speculation.</p> <p>14 BY MS. WIESSNER:</p> <p>15 Q. Was that common knowledge?</p> <p>16 MR. WEINER: Objection, calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: I don't know if that was</p> <p>19 common knowledge.</p> <p>20 BY MS. WIESSNER:</p> <p>21 Q. Well, this person wasn't hiding it; right?</p> <p>22 A. No.</p> <p>23 Q. They put up a picture from their Snapchat</p> <p>24 in a group album with hundreds of other people;</p> <p>25 right?</p>	173	<p>1 the MRT; right?</p> <p>2 A. Yes.</p> <p>3 Q. Let's take a look at photo 20. Let's go</p> <p>4 right to left this time, just since we've already</p> <p>5 identified the three people whose backs are -- or</p> <p>6 back of their heads are to the camera.</p> <p>7 So starting with the maroon or red shirt on the</p> <p>8 right, do you know who that is?</p> <p>9 A. Yes, Jason -- his last name I believe</p> <p>10 starts with an S. Next is number two from the right</p> <p>11 is going to be Joe Dwyer. Number three, his name</p> <p>12 escapes me right now.</p> <p>13 Q. Do you know his rank?</p> <p>14 A. I believe trooper. He's not a lieutenant</p> <p>15 or a captain.</p> <p>16 Q. Sure. Do you know when these photos were</p> <p>17 taken?</p> <p>18 A. These would have been taken one of the</p> <p>19 evenings of -- it would have been after -- it would</p> <p>20 have been after the Saturday because we did not have</p> <p>21 any time when we went back to the hotel other than</p> <p>22 sleep, eat, go.</p> <p>23 So once the -- I would say to the best of my</p> <p>24 knowledge, this would have been post the 30th. Not</p> <p>25 that evening, because we were out all night. This</p>

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<p style="text-align: right;">174</p> <p>1 would have been one of those days after.</p> <p>2 Q. Sure. So some day after the 30th, before</p> <p>3 the operation ended in June; right?</p> <p>4 A. Right.</p> <p>5 Q. Do you know how soon after the 30th or have</p> <p>6 any sense of how soon after the 30th?</p> <p>7 A. Maybe three days after or so.</p> <p>8 Q. And this is in the hotel where the troopers</p> <p>9 were staying?</p> <p>10 A. Correct.</p> <p>11 Q. Or where the MRT, MSP was staying?</p> <p>12 A. Yes.</p> <p>13 Q. In a conference or ballroom of some sort?</p> <p>14 A. Yes.</p> <p>15 Q. Do you see that there is a lot of beers on</p> <p>16 the table?</p> <p>17 A. Yes.</p> <p>18 Q. Maybe two dozen or so beers on the table?</p> <p>19 A. There's several beer -- or quite a few</p> <p>20 beers on the table.</p> <p>21 Q. In photo 20, do you see a bottle of some</p> <p>22 type of liquor or alcohol on the table?</p> <p>23 A. I see a water bottle, Coors Light bottle --</p> <p>24 Q. Towards the left side of the table, near</p> <p>25 the person's elbow, do you see, it looks like an</p>	<p style="text-align: right;">176</p> <p>1 Q. You confirmed you were off duty.</p> <p>2 A. Correct.</p> <p>3 Q. Do you know who purchased all of the</p> <p>4 alcohol?</p> <p>5 A. No.</p> <p>6 Q. Do you know if the State Patrol paid for</p> <p>7 the alcohol?</p> <p>8 MR. WEINER: Objection, calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: I don't believe they did.</p> <p>11 BY MS. WIESSNER:</p> <p>12 Q. You don't know if anyone was reimbursed for</p> <p>13 the alcohol by the State Patrol?</p> <p>14 MR. WEINER: Objection, calls for</p> <p>15 speculation.</p> <p>16 THE WITNESS: I don't believe so, no.</p> <p>17 BY MS. WIESSNER:</p> <p>18 Q. Were you given any rules or orders about</p> <p>19 consuming alcohol during the George Floyd operation?</p> <p>20 A. We -- not that I recall. During that</p> <p>21 particular operation, especially, you know, those</p> <p>22 first days, like I said, there was just -- there was</p> <p>23 zero time. We wouldn't have even been able to, nor</p> <p>24 did we want to. We wanted to sleep and maybe get</p> <p>25 food. But no, that -- that -- the alcohol would</p>
<p style="text-align: right;">175</p> <p>1 empty bottle of some type of liquor?</p> <p>2 A. Can you point, please?</p> <p>3 Q. I can, yeah. Above his elbow, to the left</p> <p>4 side.</p> <p>5 A. Oh, yeah, yeah. Yep.</p> <p>6 Q. Do you recognize that as a bottle of</p> <p>7 Captain Morgan?</p> <p>8 A. Yes.</p> <p>9 Q. And you see some what appears to be brown</p> <p>10 booze in some cups?</p> <p>11 A. Correct.</p> <p>12 Q. So can you tell me about what was happening</p> <p>13 in this photo, the context of it?</p> <p>14 MR. WEINER: Objection, foundation.</p> <p>15 BY MS. WIESSNER:</p> <p>16 Q. Well, you were present; correct?</p> <p>17 A. I was, yes.</p> <p>18 Q. You're depicted in the photos.</p> <p>19 A. Yes.</p> <p>20 Q. So tell me about the context.</p> <p>21 A. This would have been off duty. Before we</p> <p>22 would have started that -- the next shift, we would</p> <p>23 at times have time to go and just decompress.</p> <p>24 Q. And you're not in uniform; right?</p> <p>25 A. No.</p>	<p style="text-align: right;">177</p> <p>1 have been brought by somebody or -- the State Patrol</p> <p>2 wouldn't have provided with any alcohol as far as</p> <p>3 I'm aware.</p> <p>4 Q. But later in the deployment there was</p> <p>5 enough down time to have a night of drinks at the</p> <p>6 hotel?</p> <p>7 A. Yes.</p> <p>8 Q. More than one night?</p> <p>9 A. Yeah.</p> <p>10 Q. How many nights?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever feel hungover after a night of</p> <p>13 drinking?</p> <p>14 A. No.</p> <p>15 Q. Do you recall any of the conversations</p> <p>16 around the table, either in this setting or in other</p> <p>17 times when you had down time to drink and hang out?</p> <p>18 A. I would say typically we wouldn't --</p> <p>19 typically, my -- we don't want to talk shop when</p> <p>20 we're drinking, and that's -- the group that is here</p> <p>21 is just -- what comes to mind is the group that's</p> <p>22 here is just legit, but that doesn't describe what</p> <p>23 I'm trying to say.</p> <p>24 This is not a group that would sit and become</p> <p>25 inebriated or be wild or anything like that. And</p>

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<p style="text-align: right;">178</p> <p>1 generally, we're just sitting BSing because, again,</p> <p>2 when you start getting alcohol, we don't talk shop.</p> <p>3 Q. Sure. I think we've established on the</p> <p>4 record that I am cool and I know what legit means,</p> <p>5 so this group of people is legit.</p> <p>6 A. I have adult children and they still tease</p> <p>7 me about what I say, so it's fine.</p> <p>8 Q. All right, I'm going to turn back to the</p> <p>9 email that you sent to Carolyn. It's back in the</p> <p>10 text of the email. You wrote that, "During this</p> <p>11 time there was several data requests from various</p> <p>12 outlets. We were instructed to delete the photos</p> <p>13 and all emails with any connection to the riots or</p> <p>14 related topics...for many reasons." Did I read that</p> <p>15 correctly?</p> <p>16 A. Yes.</p> <p>17 Q. So right after you mention requests from</p> <p>18 various outlets, you write, "We were instructed to</p> <p>19 delete photos and emails"; correct?</p> <p>20 A. Yes.</p> <p>21 Q. So were you aware of media requests at the</p> <p>22 time you were directed to delete photos and emails?</p> <p>23 A. We as troopers never received those</p> <p>24 requests directly. But when I -- when I speak on</p> <p>25 this, it's -- there were -- and the colonel</p>	<p style="text-align: right;">180</p> <p>1 Q. Was it your understanding that the</p> <p>2 instruction to delete was to prevent the media from</p> <p>3 getting those emails, photos and data?</p> <p>4 A. Yes.</p> <p>5 Q. I want to dig in a little bit on these</p> <p>6 various outlets. You're referring there to requests</p> <p>7 by media; right? Media outlets?</p> <p>8 A. In this here?</p> <p>9 Q. Yes, when you say requests from various</p> <p>10 outlets, I just want to confirm. You're talking</p> <p>11 about media outlets?</p> <p>12 A. Media outlets or anybody that has the</p> <p>13 ability to make a data request, which is, I think,</p> <p>14 everybody.</p> <p>15 Q. Okay, so the general public too?</p> <p>16 A. Yeah.</p> <p>17 Q. And you said you don't receive the requests</p> <p>18 directly; right?</p> <p>19 A. Correct.</p> <p>20 Q. So how did you know about them?</p> <p>21 A. That we were told that the requests were</p> <p>22 already coming in, right when all of this was going</p> <p>23 on, and so we knew that. Is that -- I mean, can you</p> <p>24 -- I'm sorry, can you ask me the question again?</p> <p>25 Q. Sure. So you said, "We knew that" --</p>
<p style="text-align: right;">179</p> <p>1 discussed this as well. There were requests, data</p> <p>2 requests, coming in for any kind of CAD messages, so</p> <p>3 messages in between troopers or anybody that would</p> <p>4 be operating on the computer system, any emails.</p> <p>5 Apparently they were getting data requests from</p> <p>6 everywhere, so we were instructed like just delete</p> <p>7 it all, delete -- you know, delete your emails,</p> <p>8 delete your -- the photos, if you have text</p> <p>9 messages, because they were -- they were receiving</p> <p>10 the data requests and either they -- either they</p> <p>11 suspected or knew that they were going to have many</p> <p>12 more, is what my interpretation was, is that they</p> <p>13 were getting data requests from all angles, and we</p> <p>14 were instructed to get rid of anything that we had</p> <p>15 on our phones or emails or anything like that, for</p> <p>16 -- or for many reasons. For reasons of that it's --</p> <p>17 I don't know if you would say like private</p> <p>18 information with the patrol, like training things in</p> <p>19 regards to MRT or if you had some ding dong that</p> <p>20 sent a text or an email that, you know, said</p> <p>21 something that could be misinterpreted by somebody</p> <p>22 who made a data request.</p> <p>23 Q. So the instruction to delete photos was</p> <p>24 related to those media requests?</p> <p>25 A. Yeah. Yes.</p>	<p style="text-align: right;">181</p> <p>1 A. Yes.</p> <p>2 Q. -- "media requests were coming in"; right?</p> <p>3 A. Yes.</p> <p>4 Q. Who is we in that sentence?</p> <p>5 A. All of the troopers and everybody involved</p> <p>6 with the George Floyd incident.</p> <p>7 Q. And who told you that media requests were</p> <p>8 coming in?</p> <p>9 A. I do remember Colonel Langer saying -- and</p> <p>10 I don't know if that's the only place that I got</p> <p>11 this, the information from this, but I remember</p> <p>12 specifically when he was saying that, whether it was</p> <p>13 during a debrief or if it was in a -- you know, a</p> <p>14 smaller meeting or something, you know, outside,</p> <p>15 that there was -- there was requests coming in, and</p> <p>16 people were able to -- whether it was media or</p> <p>17 people, they could do a request on a keyword. So he</p> <p>18 said they could request I want every single CAD</p> <p>19 message that involves this word, and he said then</p> <p>20 they'll get all of -- those will have to be provided</p> <p>21 to people.</p> <p>22 So it was more of a being mindful of this is --</p> <p>23 this -- all of this is a very big deal and don't --</p> <p>24 you know, don't share things that shouldn't --</p> <p>25 especially like training, operation wise.</p>

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182	<p>1 Q. There's a distinction between don't share</p> <p>2 things and delete things; right?</p> <p>3 A. Correct.</p> <p>4 Q. And you were told to delete things?</p> <p>5 A. Yes. Yep. The -- if there were emails</p> <p>6 that, you know, had any -- I mean there could be</p> <p>7 many, many, many different reasons why a particular</p> <p>8 email -- whether it being not nefarious or -- I</p> <p>9 can't imagine anybody -- Let me back that up.</p> <p>10 I would hope that nobody would send something</p> <p>11 on their work email that would be nefarious, but</p> <p>12 delete emails because those could be requested and</p> <p>13 then, you know, you can have people gain insight on</p> <p>14 things that you don't want them to -- you don't --</p> <p>15 if you're dealing with a civil unrest, you don't</p> <p>16 want people anticipating or knowing what you're</p> <p>17 going to do. You can't fix that situation then.</p> <p>18 Q. Was the order to delete limited to deleting</p> <p>19 confidential things about training or was it broader</p> <p>20 than that?</p> <p>21 A. I would -- my interpretation of it was</p> <p>22 anything in regards to the riots or, like I said</p> <p>23 here, related topics.</p> <p>24 Q. To the best of your knowledge, was the</p> <p>25 State Patrol responding to the media requests that</p>
183	<p>1 they received during this period?</p> <p>2 MR. WEINER: Objection, calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: I don't know. I assume they</p> <p>5 were.</p> <p>6 BY MS. WIESSNER:</p> <p>7 Q. Is receiving media requests unusual in your</p> <p>8 experience as a trooper?</p> <p>9 MR. WEINER: Objection, calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. You know that the State Patrol has a public</p> <p>14 information office?</p> <p>15 A. Yes.</p> <p>16 Q. You've heard of public information</p> <p>17 officers; right?</p> <p>18 A. Yes.</p> <p>19 Q. You know the State Patrol has policies</p> <p>20 about cooperating with the media?</p> <p>21 A. Yes.</p> <p>22 Q. About sharing information with the media?</p> <p>23 A. Yes.</p> <p>24 Q. Sharing information with the media is</p> <p>25 important for the State Patrol to do its service, do</p>
184	<p>1 its job; right?</p> <p>2 A. Yes.</p> <p>3 Q. You have to share information about public</p> <p>4 safety and accidents and highway closures; right?</p> <p>5 A. Correct.</p> <p>6 Q. Sharing information is good for</p> <p>7 transparency; right?</p> <p>8 A. Yes.</p> <p>9 Q. And it improves public trust in the State</p> <p>10 Patrol to share information with media and the</p> <p>11 public; right?</p> <p>12 A. Yes.</p> <p>13 MR. WEINER: Objection, calls for</p> <p>14 speculation.</p> <p>15 BY MS. WIESSNER:</p> <p>16 Q. In your opinion, being told to delete</p> <p>17 information when there are media requests, is that</p> <p>18 being transparent with the public and the media?</p> <p>19 A. It could be perceived as not being</p> <p>20 transparent.</p> <p>21 Q. In your opinion, is being told to delete</p> <p>22 information that the public or media are asking for</p> <p>23 in line with State Patrol policies?</p> <p>24 MR. WEINER: Objection, calls for</p> <p>25 speculation.</p>
185	<p>1 THE WITNESS: Maybe not. In regards to the</p> <p>2 general orders of the -- a public information</p> <p>3 officer's duties or what they release or how they</p> <p>4 operate with that, I don't know.</p> <p>5 BY MS. WIESSNER:</p> <p>6 Q. Did the public information office tell you</p> <p>7 to delete information or data?</p> <p>8 A. No.</p> <p>9 Q. Who specifically do you recall? I know you</p> <p>10 mentioned Colonel Langer. Do you recall anyone else</p> <p>11 specifically telling you to delete photos, emails or</p> <p>12 data?</p> <p>13 A. I can't name who would have said that. But</p> <p>14 it was -- it was said and it was knowledge of people</p> <p>15 that we had to delete anything that had to do with</p> <p>16 the situation.</p> <p>17 Q. Were these instructions to delete</p> <p>18 information ever in writing?</p> <p>19 A. I don't recall.</p> <p>20 Q. In an email?</p> <p>21 A. I don't recall.</p> <p>22 Q. You do recall receiving them verbally,</p> <p>23 though?</p> <p>24 A. Yeah. Yes.</p> <p>25 Q. Do you recall in what setting, meaning were</p>

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<p style="text-align: right;">186</p> <p>1 you with a large group, was it to you individually</p> <p>2 that you were told?</p> <p>3 A. Not to me individually. It would have been</p> <p>4 at Arden Hills.</p> <p>5 Q. So that would have been during the George</p> <p>6 Floyd operation period?</p> <p>7 A. Correct.</p> <p>8 Q. Did you ask why you were being asked to</p> <p>9 delete information?</p> <p>10 A. No.</p> <p>11 Q. Did you wonder why?</p> <p>12 A. No.</p> <p>13 Q. Did you feel that it was appropriate to be</p> <p>14 asked to delete information when there were media</p> <p>15 requests?</p> <p>16 A. I didn't -- I don't think I gave it that</p> <p>17 much thought at the time. It wasn't -- again, that</p> <p>18 particular subject wasn't high on my -- you know, to</p> <p>19 question that instruction.</p> <p>20 Q. And so you started discussing some of</p> <p>21 these, "for many reasons." I'd like to go through,</p> <p>22 what are the specific reasons that you were asked to</p> <p>23 delete information?</p> <p>24 A. I can tell you what I assume the specific</p> <p>25 reasons were. There was nothing specifically</p>	<p style="text-align: right;">188</p> <p>1 deleted. I don't know.</p> <p>2 Q. So you said you're not sure what they're</p> <p>3 trying to hide; right?</p> <p>4 A. No, I -- I don't know what they're trying</p> <p>5 to hide.</p> <p>6 Q. But you --</p> <p>7 A. Or what they were. Sorry.</p> <p>8 Q. No, my fault.</p> <p>9 A. I'm sure it covered a vast many topics.</p> <p>10 Q. But it was your impression they were trying</p> <p>11 to hide something when they ordered you to delete</p> <p>12 things?</p> <p>13 MR. WEINER: Objection, misstates her</p> <p>14 testimony.</p> <p>15 THE WITNESS: You can -- I mean you can say</p> <p>16 hide, yes, but like I said, at the time it was -- my</p> <p>17 thought process at the time was more for safety</p> <p>18 issues or technical issues -- not issues, but</p> <p>19 technical things, things that were, you know,</p> <p>20 communicated with other departments, other troopers,</p> <p>21 other things like that.</p> <p>22 And then, of course, in the back of my mind,</p> <p>23 I'm like, and there's always somebody that sends</p> <p>24 something or a CAD message, it happens all the time,</p> <p>25 that they send something that, you know, you're</p>
<p style="text-align: right;">187</p> <p>1 communicated to us about we need to delete all of</p> <p>2 this because of X, Y and Z. It was more of a</p> <p>3 broader there are data requests coming in, you know,</p> <p>4 anything that has to do with the riots, delete</p> <p>5 those, delete those emails, text messages, dah, dah,</p> <p>6 dah, dah, dah.</p> <p>7 And my assumption was -- and quite honestly, my</p> <p>8 assumption was a lot of it, I thought training,</p> <p>9 muster points, things that would protect our privacy</p> <p>10 and safety. That was my initial.</p> <p>11 There was a small portion in the back of my</p> <p>12 head like, yeah, you know, you get -- you get people</p> <p>13 who forget that they're on a work email and may say</p> <p>14 something that would not be viewed as something that</p> <p>15 should be put in a work email. So mainly when he's</p> <p>16 telling -- when we were being told this, that was my</p> <p>17 thought.</p> <p>18 Now, having -- not being in the midst of the</p> <p>19 situation at the time, being outside of it, then I'd</p> <p>20 say, you know, you have more opportunity to think</p> <p>21 about it and, you know, I don't know for sure</p> <p>22 exactly what they really were trying to hide. But I</p> <p>23 think that it does become expanded after the fact,</p> <p>24 when you have time to sort of step back and think</p> <p>25 about it, what do they -- what did they want</p>	<p style="text-align: right;">189</p> <p>1 like, mm, no, that -- you know. But at the time, it</p> <p>2 was my thought was it was more so with keeping the</p> <p>3 MRT plans private, safety things.</p> <p>4 BY MS. WIESSNER:</p> <p>5 Q. So the media has a right to ask for</p> <p>6 information; right?</p> <p>7 A. Right.</p> <p>8 Q. But the State Patrol has the right to tell</p> <p>9 the media some information is private and can't be</p> <p>10 shared; right?</p> <p>11 A. Correct.</p> <p>12 MR. WEINER: Objection, calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: Correct.</p> <p>15 BY MS. WIESSNER:</p> <p>16 Q. So have you ever heard of the phrase</p> <p>17 throwing the baby out with the bath water?</p> <p>18 A. I have heard it, yes.</p> <p>19 Q. So wouldn't deleting lots of information,</p> <p>20 only some of which is private, be throwing the baby</p> <p>21 out with the bath water?</p> <p>22 MR. WEINER: Objection, calls for</p> <p>23 speculation.</p> <p>24 THE WITNESS: It could be interpreted as</p> <p>25 that, yes.</p>

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<p style="text-align: right;">190</p> <p>1 BY MS. WIESSNER:</p> <p>2 Q. And information that's private should be</p> <p>3 kept confidential; right?</p> <p>4 A. Yes.</p> <p>5 Q. But should it be deleted?</p> <p>6 A. I don't know. That's why I was never</p> <p>7 promoted.</p> <p>8 Q. Was it your impression that the information</p> <p>9 you were deleting or instructed to delete was being</p> <p>10 saved or backed up in some way?</p> <p>11 A. I don't know. I can't answer that.</p> <p>12 Q. Were you told to delete photos on your</p> <p>13 personal phone as well?</p> <p>14 A. I want to say yes. I want to say yes, but</p> <p>15 I cannot tell you definitively. I am fairly</p> <p>16 certain.</p> <p>17 Q. In your email you referred to the photos.</p> <p>18 You said we were instructed to delete the photos and</p> <p>19 all emails. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Are you referring to the photo album when</p> <p>22 you say the photos?</p> <p>23 A. I'm referring to photos that were taken</p> <p>24 during this time. I don't know if there was a</p> <p>25 specific instruction to us or troopers to delete</p>	<p style="text-align: right;">192</p> <p>1 Q. So this was the first time you ever</p> <p>2 received an order like this?</p> <p>3 A. Yes.</p> <p>4 Q. You're not aware of any written retention</p> <p>5 policy that you regularly had to delete emails</p> <p>6 pursuant to?</p> <p>7 A. No.</p> <p>8 Q. Were you regularly asked to delete things</p> <p>9 on your work email?</p> <p>10 A. No.</p> <p>11 Q. So you did not delete the photos,</p> <p>12 obviously; right?</p> <p>13 A. Well, the -- no, I didn't because -- and a</p> <p>14 little -- the email -- the email that this</p> <p>15 particular Google folder was under, it's kind of</p> <p>16 dumb, but it has my previously married name, and I</p> <p>17 was going through a divorce, kind of around --</p> <p>18 before -- well, I was divorced but it was, you know,</p> <p>19 still kind of, not ongoing, but ongoing during this</p> <p>20 time.</p> <p>21 So that particular email that was used for this</p> <p>22 Google folder was under that email that I don't use</p> <p>23 anymore, so I don't know if my assumption was that</p> <p>24 the -- that it was just going to go away, the</p> <p>25 folder, or what, but like I said, that was a -- it's</p>
<p style="text-align: right;">191</p> <p>1 that particular album, but that would be -- that was</p> <p>2 my interpretation of, you know, we're deleting,</p> <p>3 deleting the photos from the riots and then any</p> <p>4 emails that have any connection.</p> <p>5 Q. So you interpreted the instruction as</p> <p>6 including that photo album, that that should be</p> <p>7 deleted?</p> <p>8 A. Yes.</p> <p>9 (Pause in proceedings for clock chiming.)</p> <p>10 BY MS. WIESSNER:</p> <p>11 Q. So you said you're fairly certain you were</p> <p>12 told to delete photos on your personal phone; right?</p> <p>13 A. Fairly certain, yeah.</p> <p>14 Q. What about your personal email?</p> <p>15 A. I don't recall anything being said about</p> <p>16 personal email.</p> <p>17 Q. Was it unusual or would it be unusual to be</p> <p>18 told to delete photos on a personal device?</p> <p>19 A. According to the general order, we're not</p> <p>20 supposed to use our personal phones.</p> <p>21 Q. So then you generally aren't instructed to</p> <p>22 delete things because nothing should be there?</p> <p>23 A. I've never been instructed prior to this to</p> <p>24 do anything with my personal phone in regards of</p> <p>25 deleting or anything like that.</p>	<p style="text-align: right;">193</p> <p>1 an email that I don't use anymore. I don't even</p> <p>2 like looking at it.</p> <p>3 Q. So it was just an accident that you saved</p> <p>4 them?</p> <p>5 A. I didn't save. They're there because I'm</p> <p>6 still on that folder. So they still exist because</p> <p>7 the person who -- my assumption, because I don't</p> <p>8 know how this Google folder technicalities work, but</p> <p>9 my thought would be the moderator of that folder</p> <p>10 could delete that folder. That would be what I</p> <p>11 would assume. I don't -- I didn't delete the folder</p> <p>12 from that Google account.</p> <p>13 Q. Sure. And just to clarify or put a finer</p> <p>14 point on this. You weren't intentionally preserving</p> <p>15 these photos for later; right?</p> <p>16 A. Not for any -- no. When I had opened it up</p> <p>17 a while ago, the folder was still there. It's like,</p> <p>18 oh, okay, here's the folder. Had no idea.</p> <p>19 Q. And there were still lots of photos and</p> <p>20 lots of members in this group; right?</p> <p>21 A. Correct.</p> <p>22 Q. So those people also didn't delete the</p> <p>23 photos; right?</p> <p>24 A. Correct.</p> <p>25 Q. Did you keep any emails from the George</p>

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194	<p>1 Floyd operation period?</p> <p>2 A. Like on my personal email or --</p> <p>3 Q. On your personal or work email.</p> <p>4 A. I didn't have any on my personal email.</p> <p>5 Work email, I wouldn't have had -- I don't recall</p> <p>6 any emails that would have been -- fallen in under</p> <p>7 that instruction, unless it was an email of a</p> <p>8 question or instruction. Nothing significant at</p> <p>9 all.</p> <p>10 Q. And fair to say you no longer have access</p> <p>11 to your work email?</p> <p>12 A. Correct.</p> <p>13 Q. So you were told to delete photos and</p> <p>14 emails with any connection to the riots or related</p> <p>15 topics. What topics did you consider to be related?</p> <p>16 A. Anything that would name -- anything that</p> <p>17 would be indicative of the riots.</p> <p>18 Q. Were you aware of any lawsuits or</p> <p>19 litigation at the time you were told to delete</p> <p>20 photos and emails?</p> <p>21 A. No. Not that I recall.</p> <p>22 Q. Were you aware at any point after the</p> <p>23 George Floyd operation of a litigation hold or were</p> <p>24 you given a litigation hold?</p> <p>25 A. I don't recall being instructed on any</p>
195	<p>1 litigation holds while we were down there during</p> <p>2 that time. They did come after, but I don't recall</p> <p>3 anything during that time.</p> <p>4 Q. And just to be sure, you understand what a</p> <p>5 litigation hold is?</p> <p>6 A. They tell you what not to delete and what</p> <p>7 not to do and what to do with particular media files</p> <p>8 or phone or something.</p> <p>9 Q. That's a great working definition. You</p> <p>10 said at some point after, but not while you were in</p> <p>11 the George Floyd operation, you recall receiving a</p> <p>12 litigation hold?</p> <p>13 A. Correct.</p> <p>14 Q. Was that after you had already been told to</p> <p>15 delete data?</p> <p>16 A. The litigation hold notices?</p> <p>17 Q. Yes. Was after you had been told to delete</p> <p>18 information?</p> <p>19 A. Correct.</p> <p>20 Q. So you were ordered in that litigation hold</p> <p>21 to preserve or keep photos and emails only after you</p> <p>22 had already deleted the photos and emails that would</p> <p>23 have been preserved?</p> <p>24 A. Correct.</p> <p>25 Q. Would you be surprised to hear that</p>
196	<p>1 Defendant Dwyer and Engeldinger testified that the</p> <p>2 deleted emails and documents were backed up and</p> <p>3 preserved?</p> <p>4 A. I don't -- I don't know.</p> <p>5 Q. Are you familiar with a lawsuit brought by</p> <p>6 a group of journalists represented by the ACLU</p> <p>7 against the State Patrol and other law enforcement</p> <p>8 agencies that's called Goyette?</p> <p>9 A. No.</p> <p>10 Q. No knowledge of that lawsuit or the</p> <p>11 settlement?</p> <p>12 A. None.</p> <p>13 Q. In addition to the photos that you produced</p> <p>14 in that album, do you have any other photos on your</p> <p>15 personal phone related to the George Floyd</p> <p>16 operation?</p> <p>17 A. There was a couple that were not in this</p> <p>18 folder, but I can't describe them to you off the top</p> <p>19 of my head. They're nothing -- I'd have to look.</p> <p>20 Q. Would you be willing to produce those to</p> <p>21 the people present today?</p> <p>22 A. Like pull it up on my phone?</p> <p>23 Q. Send them to us after today. Would you be</p> <p>24 willing to send any other --</p> <p>25 A. Sure.</p>
197	<p>1 Q. -- photos?</p> <p>2 A. Well, they're all included in anything that</p> <p>3 I sent Carolyn.</p> <p>4 Q. Sure.</p> <p>5 A. They're all in those photos.</p> <p>6 Q. So there's no additional photos that you</p> <p>7 did not send to Carolyn?</p> <p>8 A. No.</p> <p>9 Q. And you said you don't have any personal</p> <p>10 emails related to the George Floyd operation?</p> <p>11 A. No.</p> <p>12 Q. Do you have any text messages on your phone</p> <p>13 related to the George Floyd operation?</p> <p>14 A. No. They would be gone by now if there was</p> <p>15 any.</p> <p>16 Q. Would you be willing to check and make sure</p> <p>17 that's the case?</p> <p>18 A. Absolutely.</p> <p>19 Q. You had mentioned there's a possibility</p> <p>20 that Jason Engeldinger had texted you about your</p> <p>21 last deposition?</p> <p>22 A. Yes.</p> <p>23 Q. Would you be willing to look for your text</p> <p>24 messages with Jason Engeldinger to send to us?</p> <p>25 A. Sure.</p>

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<p style="text-align: right;">198</p> <p>1 Q. If you wouldn't mind sending those after</p> <p>2 today, that would be helpful.</p> <p>3 A. Certainly.</p> <p>4 Q. Did you preserve anything on any of your</p> <p>5 social media accounts related to the George Floyd</p> <p>6 operation?</p> <p>7 A. No.</p> <p>8 Q. No Facebook?</p> <p>9 A. No.</p> <p>10 Q. Snapchat?</p> <p>11 A. No.</p> <p>12 Q. Instagram?</p> <p>13 A. No.</p> <p>14 Q. The cooler apps that Joe's kids use?</p> <p>15 A. I don't even --</p> <p>16 Q. TikTok?</p> <p>17 A. Nope.</p> <p>18 Q. Any other messaging or sharing platforms</p> <p>19 that you were using during the George Floyd</p> <p>20 operation period?</p> <p>21 A. No, I don't use anything but Facebook</p> <p>22 because I'm old.</p> <p>23 Q. So no WhatsApp?</p> <p>24 A. No.</p> <p>25 Q. No Slack?</p>	<p style="text-align: right;">200</p> <p>1 curfew; right?</p> <p>2 A. Yes.</p> <p>3 Q. So if there's a dispersal order given to a</p> <p>4 crowd to please disperse because you're in violation</p> <p>5 of the curfew, that does not apply to media; right?</p> <p>6 MR. WEINER: Objection, calls for a legal</p> <p>7 conclusion.</p> <p>8 THE WITNESS: Our knowledge as troopers is</p> <p>9 that it would not have applied to media.</p> <p>10 BY MS. WIESSNER:</p> <p>11 Q. Press wouldn't have to leave based on a</p> <p>12 dispersal order for the curfew?</p> <p>13 A. Correct.</p> <p>14 Q. And even if there are other people</p> <p>15 disobeying that dispersal order or acting rowdy or</p> <p>16 even rioting, the media still does not have to leave</p> <p>17 that area; right?</p> <p>18 A. From my understanding, that's correct.</p> <p>19 Q. Because those would be newsworthy events;</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. If someone is rioting or refusing to obey a</p> <p>23 dispersal order, if the State Patrol is enacting a</p> <p>24 mass arrest, those are newsworthy events; right?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">199</p> <p>1 A. No.</p> <p>2 Q. No Discord?</p> <p>3 A. No.</p> <p>4 Q. No jib jab?</p> <p>5 A. No.</p> <p>6 Q. I made the last one up.</p> <p>7 A. I was waiting for something.</p> <p>8 MS. WIESSNER: All right, I only have one</p> <p>9 last line of questioning, so if anyone needs a</p> <p>10 break, we could take one or I could just get through</p> <p>11 the rest.</p> <p>12 MR. WEINER: I think our court reporter's</p> <p>13 been going for an hour and a half, so I suggest that</p> <p>14 we take a break.</p> <p>15 MS. WIESSNER: Yeah, thank you.</p> <p>16 VIDEOGRAPHER: Going off the video record</p> <p>17 at 3:09 p.m.</p> <p>18 (A break was taken.)</p> <p>19 VIDEOGRAPHER: This is File 4, we're on the</p> <p>20 record at 3:13 p.m.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. So Tesa, by May 30, 2020, we talked about</p> <p>23 the rights of the media before; right?</p> <p>24 A. Correct.</p> <p>25 Q. And their right to be exempt from the</p>	<p style="text-align: right;">201</p> <p>1 Q. So the media would have the right to stay</p> <p>2 and cover those events.</p> <p>3 A. Yes.</p> <p>4 Q. You said that you recall being deposed on</p> <p>5 Zoom in February in this case; right?</p> <p>6 A. Yes.</p> <p>7 Q. And Mr. Weiner represented you for purposes</p> <p>8 of that deposition?</p> <p>9 A. Yes.</p> <p>10 Q. And we've confirmed and you understand that</p> <p>11 he's not representing you today?</p> <p>12 A. Correct.</p> <p>13 Q. How did you prepare for that deposition in</p> <p>14 February?</p> <p>15 A. I watched the couple videos and may -- I</p> <p>16 think that was it. Maybe some -- not a lot of</p> <p>17 preparation.</p> <p>18 Q. Do you recall reading the Complaint in this</p> <p>19 case?</p> <p>20 A. Maybe.</p> <p>21 Q. Do you recall reading anyone else's</p> <p>22 deposition testimony?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you prepare with anyone else besides</p> <p>25 Joe Weiner?</p>

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202	<p>1 A. No.</p> <p>2 Q. Not Melissa Eberhart?</p> <p>3 A. No.</p> <p>4 Q. No other attorney from the State Patrol?</p> <p>5 A. No.</p> <p>6 Q. From the Department of Public Safety?</p> <p>7 A. No.</p> <p>8 Q. No one from the union?</p> <p>9 A. No.</p> <p>10 Q. Did you ask Mr. Weiner to represent you at</p> <p>11 your previous deposition?</p> <p>12 A. No.</p> <p>13 Q. What was your understanding of why he was</p> <p>14 representing you?</p> <p>15 A. Because at the time I was employed by the</p> <p>16 State Patrol.</p> <p>17 Q. When you say at the time, you were no</p> <p>18 longer employed by the State Patrol at your</p> <p>19 deposition; right?</p> <p>20 A. Correct.</p> <p>21 Q. You mean at the time of the events at issue</p> <p>22 in this lawsuit; right?</p> <p>23 A. Yes.</p> <p>24 Q. By the time your deposition came around,</p> <p>25 you had been terminated; right?</p>	204	<p>1 you recall having just a verbal conversation about</p> <p>2 the scope of your representation or your agreement</p> <p>3 for Joe Weiner to represent you?</p> <p>4 MR. WEINER: Now, again, this all goes to</p> <p>5 the attorney/client privilege, so you can testify</p> <p>6 about it, but I just want to make sure that you</p> <p>7 understand that you'll be waiving any privilege that</p> <p>8 relates to those conversations.</p> <p>9 THE WITNESS: Right. So if -- so what</p> <p>10 you're saying is if I answer that, then if there's</p> <p>11 any attorney/client privilege, that's gone or --</p> <p>12 MR. WEINER: (Nodding head).</p> <p>13 THE WITNESS: Okay.</p> <p>14 MS. WIESSNER: And Tesa, just to clarify</p> <p>15 again, neither Joe nor I can give you advice or</p> <p>16 influence you in any way on that.</p> <p>17 THE WITNESS: Right.</p> <p>18 MS. WIESSNER: It's up to you to decide</p> <p>19 whether you'd like to answer the questions.</p> <p>20 THE WITNESS: And what was the question</p> <p>21 again?</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. Did you have any verbal conversation about</p> <p>24 the scope of your representation by the Attorney</p> <p>25 General's Office or by Mr. Weiner?</p>
203	<p>1 A. Yes.</p> <p>2 Q. Did Mr. Weiner or anyone from the Attorney</p> <p>3 General's Office provide you a written agreement</p> <p>4 regarding the nature and scope of your</p> <p>5 representation?</p> <p>6 A. I don't know. I don't recall.</p> <p>7 Q. You don't recall signing any type of</p> <p>8 engagement agreement or retainer agreeing to have</p> <p>9 him represent you?</p> <p>10 A. I don't recall. I have to admit, over the</p> <p>11 past few years of dealing with my legal proceedings,</p> <p>12 sometimes things get -- that recollection if I</p> <p>13 signed anything would have -- is lost. I don't know</p> <p>14 if I did or not.</p> <p>15 Q. Would there be any way for you to look up</p> <p>16 and find out if you signed a written agreement for</p> <p>17 the Attorney General's Office to represent you?</p> <p>18 A. I could check in -- I have a filing cabinet</p> <p>19 for it with all my papers that I've received, so I</p> <p>20 can certainly look and I can see if I can pull</p> <p>21 anything up off of my email.</p> <p>22 Q. Would you be willing to do that and produce</p> <p>23 it to us?</p> <p>24 A. Yeah.</p> <p>25 Q. Even if there was no written agreement, do</p>	205	<p>1 A. I don't remember specifically any</p> <p>2 conversations or paperwork or anything. I don't</p> <p>3 recall.</p> <p>4 Q. Do you recall if anyone at the State Patrol</p> <p>5 or the Attorney General's Office told you that you</p> <p>6 had the right to choose your own attorney to</p> <p>7 represent you at the deposition?</p> <p>8 A. I don't recall what the conversation or</p> <p>9 back and forth or anything, details of that would</p> <p>10 be.</p> <p>11 Q. So you don't know one way or the other</p> <p>12 whether someone told you you had the right to choose</p> <p>13 your own attorney for your deposition?</p> <p>14 A. I -- I don't remember. I didn't seek any</p> <p>15 out. I just recall that, saying that -- something</p> <p>16 saying, if it was an email or something, again, I'd</p> <p>17 have to look, that because I was employed, I was</p> <p>18 being represented by the attorneys from the state --</p> <p>19 or that were representing the State Patrol.</p> <p>20 Q. Would you have liked to have a different</p> <p>21 attorney that wasn't representing the State Patrol?</p> <p>22 A. I mean ideally, I would have felt more</p> <p>23 comfortable, but it's not something that's in my</p> <p>24 budget.</p> <p>25 Q. Did you know that you had the right to be</p>

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<p style="text-align: right;">206</p> <p>1 deposed without an attorney there at all, in 2 February of 2023? 3 A. I -- I don't know. I don't know if I ever 4 thought about it or -- I don't know. 5 Q. Would you have chosen not to be represented 6 if you knew you had that right? 7 A. No. I don't know. 8 Q. You said you were aware that the Attorney 9 General's Office and Mr. Weiner represented the 10 State Patrol defendants in this case? 11 A. Yes. 12 Q. Do you know or were you told whether that 13 was a joint representation with the Attorney 14 General's representation of the defendants? 15 A. I -- I don't recall being concerned, so I 16 don't -- I don't remember. I don't know. 17 Q. So it wouldn't have concerned you to be 18 jointly represented with the State Patrol defendants 19 in this case? 20 A. Well, at the time it was, like I said, I 21 was going -- I'm going -- I'm dealing with my own 22 stressful stuff and this deposition, like I said 23 previously, I'm just apprehensive of everything that 24 has to do with, you know, the State Patrol and 25 anything, so -- and I don't -- I mean there's -- I</p>	<p style="text-align: right;">208</p> <p>1 of that? What's the purpose of that question? 2 MR. NOEL: What's the objection? 3 MS. WIESSNER: What's the objection? 4 MR. WEINER: The objection is that it's 5 harassing and it's calling into question the -- it's 6 impugning a member of the Court and a member of the 7 Bar, and I want to know what potential relevance it 8 has to what this witness is talking about. 9 MS. WIESSNER: It's harassing the witness 10 or you, Joe? You are not being deposed and it's not 11 harassing the witness, who is being deposed. 12 MR. WEINER: Okay, I just -- when I file 13 the Complaint, I just want to make sure it's on the 14 record. 15 BY MS. WIESSNER: 16 Q. Did Mr. Weiner or anyone from the Attorney 17 General's Office speak to you about any conflicts of 18 interest or potential conflicts of interest in 19 representing both you and the defendants at the same 20 time? 21 A. Not that I recall. 22 Q. After the February deposition, Mr. Weiner 23 and the Attorney General's Office have ceased to 24 represent you; correct? 25 A. After the initial deposition?</p>
<p style="text-align: right;">207</p> <p>1 don't have anything to hide, so I just was like, 2 okay, doing a deposition. I don't know. I just -- 3 Q. Do you recall if Mr. Weiner or anyone at 4 the State Patrol or the Attorney General's Office 5 told you whether they would be sharing information 6 about your representation with the defendants in 7 this case? 8 A. I don't recall. It was never something 9 that I was concerned about. I mean, is that what 10 you're asking, if I was concerned or recall 11 paperwork or -- 12 Q. First I'm just asking if you ever told or 13 knew whether information that you gave as part of 14 your representation, for example, preparing for your 15 deposition, could be shared with the defendants. 16 Was that your understanding of the agreement, that 17 anything you said or gave to Mr. Weiner could be 18 shared with or given to the defendants? 19 A. I would assume that that would be the case. 20 Q. And that didn't bother you? 21 A. No. 22 Q. Did Mr. Weiner or anyone from the Attorney 23 General's Office offer to share information about 24 the representation of the defendants with you? 25 MR. WEINER: Objection. What's the purpose</p>	<p style="text-align: right;">209</p> <p>1 Q. Yes. 2 A. I -- I don't know because I never thought 3 about it after I did the deposition again -- or 4 until I -- Once the deposition was done, I never 5 gave any of it a second thought of if I was still 6 represented or not. 7 Q. Until recently you received an email saying 8 that you're no longer represented; correct? 9 A. Correct. 10 Q. In between your February 2023 deposition 11 and that communication, did you have any contact 12 with anyone from the Attorney General's Office? 13 A. No. 14 Q. Have you been represented by any attorney 15 in this matter besides Mr. Weiner? 16 A. No. 17 Q. In preparing for your deposition, did you 18 tell anyone about the shared Google photos album? 19 A. In preparation for this particular -- 20 Q. In preparation for your February 2023 21 deposition, did you tell anyone about the shared 22 Google photos album? 23 A. No. I don't even recall when about that I 24 discovered it was still there. 25 Q. You don't recall telling Mr. Weiner about</p>

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<p style="text-align: right;">210</p> <p>1 the Google photos album?</p> <p>2 A. Then if I did -- I don't recall when I saw</p> <p>3 that they existed, so I don't -- I don't recall any</p> <p>4 of that.</p> <p>5 Q. You don't recall telling Mr. Weiner about</p> <p>6 it or giving him access to those photos?</p> <p>7 A. Correct.</p> <p>8 Q. Do you recall talking to anyone else at the</p> <p>9 State Patrol about your February 2023 deposition?</p> <p>10 A. No.</p> <p>11 Q. Did you discuss your deposition afterwards</p> <p>12 with anyone from the State Patrol?</p> <p>13 A. Not from the State Patrol.</p> <p>14 Q. When you say not from the State Patrol, who</p> <p>15 did you talk to about your deposition in February</p> <p>16 besides Carolyn Cole?</p> <p>17 A. My therapist.</p> <p>18 Q. And I won't intrude on any of those</p> <p>19 conversations. Did anyone tell you what you should</p> <p>20 or should not say at your February 2023 deposition?</p> <p>21 A. Not specifically, no.</p> <p>22 Q. What do you mean by not specifically?</p> <p>23 A. I was not instructed not to comment on any</p> <p>24 particular subjects or anything like that. I wasn't</p> <p>25 told no, don't talk about this, and yes, talk about</p>	<p style="text-align: right;">212</p> <p>1 Q. And just to put a finer point on this, what</p> <p>2 specifically was the instruction relating to a court</p> <p>3 of law? What was that instruction?</p> <p>4 A. It was most -- I would say, because I don't</p> <p>5 remember verbatim, but I would say it was most</p> <p>6 likely my questions on how the questioning proceeds</p> <p>7 at a deposition. Is it like when you're testifying</p> <p>8 in court, is it different? How -- how does it work?</p> <p>9 And my recollection is that the -- I was not</p> <p>10 instructed to answer in any particular ways, but</p> <p>11 explanations of how things -- and there was no</p> <p>12 concerns when I was told how a deposition works. I</p> <p>13 wasn't -- it wasn't questioned, I wasn't concerned</p> <p>14 about this is what you're going to testify on and</p> <p>15 this is what you're not going to testify on, so</p> <p>16 that's -- that was my -- that was my understanding</p> <p>17 of how to answer at a deposition.</p> <p>18 Q. Okay. In preparing for your February</p> <p>19 deposition, did you tell Mr. Weiner or anyone at the</p> <p>20 Attorney General's Office that you had a pending</p> <p>21 PTSD disability claim?</p> <p>22 A. I don't recall.</p> <p>23 Q. That claim is against the State Patrol;</p> <p>24 right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">211</p> <p>1 this or anything like that.</p> <p>2 Q. Did anyone tell you that you should say I</p> <p>3 don't remember or I don't recall to any details or</p> <p>4 events?</p> <p>5 A. If I didn't recall or don't remember, then</p> <p>6 it was just say that.</p> <p>7 Q. Sure. Do you recall being told anything</p> <p>8 about if you couldn't say it in a court of law, then</p> <p>9 don't say it in your deposition?</p> <p>10 A. That was my -- that was -- that was my</p> <p>11 understanding of if you -- you're not going to elude</p> <p>12 to I heard -- like I was saying earlier, I know</p> <p>13 there was conversations about X, Y or Z. That</p> <p>14 wasn't something that was going to be offered at</p> <p>15 that deposition. That was not something that I</p> <p>16 would typically testify about in court if I couldn't</p> <p>17 say definitively, it was this person, that person,</p> <p>18 here, there or where. So that wasn't going to be</p> <p>19 talked about at the first deposition.</p> <p>20 Q. You said that was your understanding. Was</p> <p>21 that an instruction you were given?</p> <p>22 A. I wouldn't say necessarily an instruction.</p> <p>23 That was the direction of how a deposition is given.</p> <p>24 I had never given a deposition before, so I didn't</p> <p>25 -- I wasn't sure.</p>	<p style="text-align: right;">213</p> <p>1 Q. So obviously the State Patrol is aware that</p> <p>2 you had a claim against them; right?</p> <p>3 A. Yes.</p> <p>4 Q. But you don't recall whether you personally</p> <p>5 shared that with the Attorney General's Office or</p> <p>6 Mr. Weiner?</p> <p>7 A. I don't recall, no.</p> <p>8 Q. Has anyone at the Attorney's General Office</p> <p>9 communicated with you about any potential conflict</p> <p>10 of interest if Mr. Weiner asks you questions at this</p> <p>11 deposition today?</p> <p>12 A. No.</p> <p>13 Q. Has anyone explained to you what informed</p> <p>14 consent confirmed in writing means under the</p> <p>15 Minnesota Rules of Professional Conduct?</p> <p>16 A. No.</p> <p>17 Q. Is that a phrase you've heard before,</p> <p>18 informed consent confirmed in writing?</p> <p>19 A. No.</p> <p>20 Q. Have you given Mr. Weiner or the Attorney</p> <p>21 General's Office permission to ask questions that</p> <p>22 might impugn your truthfulness?</p> <p>23 A. I haven't had any conversation with the</p> <p>24 office at all, or correspondence or anything after</p> <p>25 the first deposition in February.</p>

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214	<p>1 Q. Right.</p> <p>2 A. Is that what you're asking?</p> <p>3 Q. That covers the answer, yeah.</p> <p>4 A. Okay.</p> <p>5 MS. WIESSNER: I have no further questions</p> <p>6 for you, Tesa.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MS. WIESSNER: Thank you for your time.</p> <p>9 EXAMINATION</p> <p>10 BY MR. WEINER:</p> <p>11 Q. Ms. Johnson, thank you for being here with</p> <p>12 us today. We've met before on Zoom. Never met</p> <p>13 in-person before. You understand that I represent</p> <p>14 the State defendants in this matter; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you understand that you're testifying</p> <p>17 under oath; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you don't have any problem with me</p> <p>20 asking you questions about the incidents that</p> <p>21 happened in this deposition -- or I'm sorry, on May</p> <p>22 the 30th or your employment with the State Patrol;</p> <p>23 correct?</p> <p>24 A. No.</p> <p>25 Q. Now, if I ask a question, as Greta</p>	216
215	<p>1 indicated earlier, and you don't understand, please</p> <p>2 let me know; okay? And I will rephrase it.</p> <p>3 A. Okay.</p> <p>4 Q. But if you answer, we'll assume that you</p> <p>5 understood the question.</p> <p>6 Now, I believe you testified that you found out</p> <p>7 about this deposition because Jason Engeldinger</p> <p>8 reached out to you; correct?</p> <p>9 A. Not this one.</p> <p>10 Q. I'm sorry. The February deposition;</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And at that time Mr. Engel -- or Captain</p> <p>14 Engeldinger gave you my phone number so that you</p> <p>15 could call me; correct?</p> <p>16 A. If that's what happened. I don't remember.</p> <p>17 Q. Okay. If I were to testify -- or if I were</p> <p>18 to state that I spoke with you because you reached</p> <p>19 out to me via phone call, no reason to dispute that;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And what, if anything, do you remember</p> <p>23 specifically about that conversation?</p> <p>24 A. Yours and mine?</p> <p>25 Q. Yes.</p>	217
	<p>1 A. Nothing specifically.</p> <p>2 Q. Okay. So you don't recall whether or not I</p> <p>3 spoke with you about who my client was; correct?</p> <p>4 A. I don't recall any specifics or verbatim.</p> <p>5 I can't -- I can't tell you this is what -- we spoke</p> <p>6 about X, Y and Z on that particular phone call.</p> <p>7 Q. Okay, and that's fine. That's all that I'm</p> <p>8 looking for on this.</p> <p>9 A. Okay.</p> <p>10 Q. So to the extent that I have a recollection</p> <p>11 of that that is more specific than yours, you have</p> <p>12 no reason to dispute that recollection; correct?</p> <p>13 A. Not right now, no.</p> <p>14 Q. Okay. Now, who did you speak about your</p> <p>15 deposition testimony today, who did you speak with</p> <p>16 about that?</p> <p>17 A. I spoke -- I mean about like coming here?</p> <p>18 Q. Yes, ma'am.</p> <p>19 A. I think all -- nope, not -- it was Marc and</p> <p>20 yourself (gesturing toward Ms. Wiessner), and we had</p> <p>21 a call about the deposition.</p> <p>22 Q. Okay. And when was that call?</p> <p>23 A. Earlier this month.</p> <p>24 Q. And where were you when that phone call</p> <p>25 happened?</p>	

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<p style="text-align: right;">218</p> <p>1 Q. Now, you're appearing here today</p> <p>2 voluntarily; correct?</p> <p>3 A. Yes.</p> <p>4 Q. So there was no subpoena issued for your</p> <p>5 attendance today?</p> <p>6 A. No.</p> <p>7 Q. Did counsel speak with you about that?</p> <p>8 A. We -- I -- we didn't speak about it, but it</p> <p>9 was we -- it is a possibility that a subpoena could</p> <p>10 be issued if I couldn't make or -- make things work.</p> <p>11 It wasn't -- it wasn't like a strong arm thing. It</p> <p>12 was a sort of like, we need to have this deposition</p> <p>13 on the 20th and, you know, what's the plan? What's</p> <p>14 your plan? I have a vacation -- or we're in the</p> <p>15 middle of trying to figure out a vacation before or</p> <p>16 after Christmas.</p> <p>17 Q. Did they tell you that if they subpoenaed</p> <p>18 you, they'd have to pay you money to attend?</p> <p>19 A. There wasn't -- no.</p> <p>20 Q. Okay. Now, during any of those</p> <p>21 conversations, did counsel ever tell you that they</p> <p>22 attempted to sue you as part of this lawsuit?</p> <p>23 A. No.</p> <p>24 Q. I want to show you what's been marked as</p> <p>25 Exhibit 9.</p>	<p style="text-align: right;">220</p> <p>1 paragraph 18 in this document, where they're</p> <p>2 identifying various defendants in this case, and do</p> <p>3 you see about one, two, three, four, fifth line</p> <p>4 down, you're there again, T. Johnson?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And then after the semicolon in</p> <p>7 the last sentence, it indicates that, "they are sued</p> <p>8 in their individual capacities for misconduct</p> <p>9 occurring under color of state law." Do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. And reading that, do you understand that</p> <p>13 Miss Cole and Miss Hennessy-Fiske were suing you, or</p> <p>14 attempting to sue you individually for the incidents</p> <p>15 that occurred outside of the Fifth Precinct?</p> <p>16 A. I -- that's what this -- these papers</p> <p>17 represent, so --</p> <p>18 Q. Okay. Did counsel or plaintiffs ever tell</p> <p>19 you that they attempted to sue you?</p> <p>20 A. No.</p> <p>21 Q. Okay. If you could turn to page -- I'm</p> <p>22 sorry, paragraph 73.</p> <p>23 A. 73 in red or 73 in blue?</p> <p>24 Q. I'm sorry, 73 in blue, it should be page 21</p> <p>25 of the document.</p>
<p style="text-align: right;">219</p> <p>1 (Exhibit Number 9 marked.)</p> <p>2 BY MR. WEINER:</p> <p>3 Q. So Ms. Johnson, I'm showing to you what has</p> <p>4 been marked as Exhibit 9. This is a court file</p> <p>5 document. This is Document Number 37 in this</p> <p>6 lawsuit. I'll represent to you that this was the</p> <p>7 attempted Amendment Complaint that plaintiffs tried</p> <p>8 to serve after the case was thrown out the first</p> <p>9 time. Any reason to dispute that?</p> <p>10 A. No.</p> <p>11 Q. Okay. And if you could look at the second</p> <p>12 page of this document, and the caption, which is the</p> <p>13 parties that we're talking about here, and about</p> <p>14 midway down through here, do you see a name -- or a</p> <p>15 name there that is T. Johnson?</p> <p>16 A. Yes.</p> <p>17 Q. And that's between Nigg and Roseberry, do</p> <p>18 you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And if I were to represent to you that that</p> <p>21 was -- that individual was you, based on the</p> <p>22 documentation that they had received in discovery,</p> <p>23 you have no reason to dispute that; correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And if you could turn to</p>	<p style="text-align: right;">221</p> <p>1 A. Okay.</p> <p>2 Q. And if you could just take a moment and</p> <p>3 read through paragraph 73 to 76 by yourself -- or to</p> <p>4 yourself.</p> <p>5 A. (Reviewing document). Okay.</p> <p>6 Q. And in reading this, do you understand that</p> <p>7 you were identified as either an assaulter trooper</p> <p>8 or a cover trooper, as identified by the plaintiffs</p> <p>9 in this matter?</p> <p>10 A. I see that assaulter troopers are -- I see</p> <p>11 that.</p> <p>12 Q. Okay. And did counsel at any point tell</p> <p>13 you that they had tried to bring you in as either an</p> <p>14 assaulter trooper or a cover trooper in this</p> <p>15 lawsuit?</p> <p>16 A. No.</p> <p>17 Q. And if you could turn to blue paragraph</p> <p>18 116, it's on page 34.</p> <p>19 A. 116?</p> <p>20 Q. 116, yes, ma'am.</p> <p>21 A. Okay.</p> <p>22 Q. And it states that, "None of the Cover</p> <p>23 Troopers or Supervisor Defendants did anything to</p> <p>24 stop the Assaulter Troopers from advancing on the</p> <p>25 clearly identified press group, nor did any of the</p>

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222	<p>1 Cover Troopers or Supervisor Defendants stop the</p> <p>2 Assaulter Troopers from targeting the press group</p> <p>3 with direct impact rounds or other chemical agents."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And do you understand that that's referring</p> <p>7 to you as one of the defendants in this lawsuit?</p> <p>8 A. Yes.</p> <p>9 Q. Or potential defendants in this lawsuit.</p> <p>10 A. Yes.</p> <p>11 Q. And was that ever discussed with you when</p> <p>12 you had your conversations with plaintiffs' counsel?</p> <p>13 A. No.</p> <p>14 Q. Now, did the plaintiffs' counsel ever tell</p> <p>15 you that your interests might be adverse to those of</p> <p>16 the plaintiffs in this case?</p> <p>17 A. That my interests might be adverse to the</p> <p>18 plaintiff. The plaintiff being?</p> <p>19 Q. Molly and -- I'm sorry, Miss Cole and</p> <p>20 Miss Hennessy-Fiske.</p> <p>21 A. And you're asking if they had --</p> <p>22 Q. I'm asking if either Miss Wiessner or</p> <p>23 Mr. Betinsky had a conversation and told you that</p> <p>24 your interests might be adverse -- were or may be</p> <p>25 adverse to their clients'.</p>	224	<p>1 with information in this lawsuit?</p> <p>2 A. No.</p> <p>3 Q. I want to go back to some of the testimony</p> <p>4 that you gave earlier --</p> <p>5 A. Okay.</p> <p>6 Q. -- specifically about the documents and</p> <p>7 what was -- what you were told about deletion and</p> <p>8 data management.</p> <p>9 A. Mm-hmm.</p> <p>10 Q. So I want to start again with, to the best</p> <p>11 of your recollection, tell me what was said, what</p> <p>12 somebody said, what words were used about emails,</p> <p>13 photos, information that might exist related to the</p> <p>14 riots.</p> <p>15 A. That -- and I -- again, I can't tell you</p> <p>16 verbatim.</p> <p>17 Q. Okay.</p> <p>18 A. I can only tell you what -- what I recall,</p> <p>19 and what I recall is we were instructed to delete</p> <p>20 the emails, photos, anything that had to do with the</p> <p>21 riots.</p> <p>22 Q. And so let's go with all the good</p> <p>23 journalism questions. Who gave you that</p> <p>24 instruction?</p> <p>25 A. Specifically the instruction, I recall the</p>
223	<p>1 A. No.</p> <p>2 MS. WIESSNER: I'd like to put an objection</p> <p>3 here and let the record reflect that I did state</p> <p>4 that at the beginning of this deposition, it was on</p> <p>5 the record, and the response was that she did</p> <p>6 understand that.</p> <p>7 THE WITNESS: Okay, I apologize.</p> <p>8 MR. WEINER: You see, but sorry, we've got</p> <p>9 our answer, this is what we have here, thank you.</p> <p>10 MS. WIESSNER: Well, we have a full record</p> <p>11 luckily then.</p> <p>12 MR. WEINER: That would be great to get,</p> <p>13 wouldn't it?</p> <p>14 BY MR. WEINER:</p> <p>15 Q. Did anybody ever tell you that you were a</p> <p>16 potential defendant in this lawsuit?</p> <p>17 A. I don't know.</p> <p>18 Q. Did plaintiffs' counsel ever tell you that</p> <p>19 you were a potential defendant in this lawsuit?</p> <p>20 A. I don't think so, but I mean I don't -- I</p> <p>21 mean I think it's -- no, I don't know.</p> <p>22 Q. Okay.</p> <p>23 A. I don't know.</p> <p>24 Q. Did anyone tell you that the plaintiffs</p> <p>25 wouldn't sue you because you were providing them</p>	225	<p>1 colonel explaining to us what was happening. I</p> <p>2 don't -- I mean he said that these things are -- or,</p> <p>3 you know, we need to delete the emails that have</p> <p>4 anything to do with that because they can -- there</p> <p>5 was the data requests, they were coming in, and they</p> <p>6 were -- and I remember him saying about they can</p> <p>7 send in a data request and have, you know, a</p> <p>8 keyword, and then it has to -- they have to pull</p> <p>9 every single thing with that keyword in.</p> <p>10 Q. So just so that I'm clear, it's your</p> <p>11 testimony today under oath that the colonel for the</p> <p>12 Minnesota State Patrol instructed you and a number</p> <p>13 of other troopers to delete emails?</p> <p>14 A. I recall that that was something that we</p> <p>15 were told. I cannot tell you if it was in a</p> <p>16 briefing or not in a briefing or -- I remember that</p> <p>17 about the keywords and the emails and being said.</p> <p>18 Q. And you remember that the person who said</p> <p>19 that was Colonel Langer?</p> <p>20 A. That is my recollection.</p> <p>21 Q. And when was this?</p> <p>22 A. It would have been during the riots, when</p> <p>23 we were down in Arden Hills.</p> <p>24 Q. Okay. So if you came down to the riots on</p> <p>25 the 26th, went home, came back on the 27th.</p>

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226	<p>1 A. Correct.</p> <p>2 Q. Left on June 7th.</p> <p>3 A. Yes.</p> <p>4 Q. Where in that time frame did you have this</p> <p>5 conversation -- or did you hear this instruction</p> <p>6 from Colonel Langer?</p> <p>7 A. I don't recall.</p> <p>8 Q. Was this before May the 30th?</p> <p>9 A. I don't recall.</p> <p>10 Q. Was it before the I-35W bridge -- or I-35W</p> <p>11 where the tanker plowed into the group of</p> <p>12 protesters?</p> <p>13 A. I don't know.</p> <p>14 Q. Was it, to the best of your recollection,</p> <p>15 the beginning, the middle or the end of that time</p> <p>16 frame?</p> <p>17 A. I -- I don't know.</p> <p>18 Q. Who else was present when you heard this?</p> <p>19 A. I don't know.</p> <p>20 Q. You don't recall anybody else being present</p> <p>21 when this occurred?</p> <p>22 A. No.</p> <p>23 Q. So there's nobody else that we could talk</p> <p>24 to that could corroborate your version of this</p> <p>25 conversation?</p>	228	<p>1 delete in reference to emails and other data as he</p> <p>2 was talking to you about data requests?</p> <p>3 A. I don't recall if he said delete, but it is</p> <p>4 my understanding that it was to delete emails and</p> <p>5 things that had anything to do with the riots.</p> <p>6 Q. And just so that we're clear, you don't</p> <p>7 have any other recollection of specific words that</p> <p>8 he used; correct? You remember keywords?</p> <p>9 A. That they can do a keyword search.</p> <p>10 Q. Okay. Anything else?</p> <p>11 A. Nothing specifically. I can't tell you</p> <p>12 anything verbatim.</p> <p>13 Q. Okay. And you don't recall who else was</p> <p>14 there; correct?</p> <p>15 A. No.</p> <p>16 Q. You don't recall when this was?</p> <p>17 A. No.</p> <p>18 Q. Now, if you could turn for me, please, to</p> <p>19 -- I think we marked it as Exhibit 6, which is the</p> <p>20 email that you sent.</p> <p>21 A. Okay.</p> <p>22 Q. And this is from your Acorn & Oak email</p> <p>23 address; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And what is Acorn & Oak?</p>
227	<p>1 A. No. I don't -- I don't remember if it was</p> <p>2 at a briefing or if it was at a debriefing or if it</p> <p>3 was -- I don't remember, so no.</p> <p>4 Q. How many times do you recall Colonel Langer</p> <p>5 being at the briefings at Arden Hills?</p> <p>6 A. Maybe two or three times. I can't tell you</p> <p>7 specifically the amount.</p> <p>8 Q. Okay. Do you recall anything else that he</p> <p>9 said during those briefings?</p> <p>10 A. Good job.</p> <p>11 Q. So the only things that you recall from the</p> <p>12 briefings is good job and you need to delete emails</p> <p>13 and photos?</p> <p>14 A. I can't tell you anything else</p> <p>15 specifically, no.</p> <p>16 Q. And the word that you specifically recall</p> <p>17 him using is delete; is that correct?</p> <p>18 A. I said I couldn't -- I can't tell you</p> <p>19 verbatim, but I can tell you what my recollection of</p> <p>20 it is or what -- how I'm recalling it.</p> <p>21 Q. Okay. And I understand that, but it's</p> <p>22 important that we get our words right here. So I</p> <p>23 just want to make sure that you're saying your</p> <p>24 recollection, the best of your recollection as you</p> <p>25 sit here today is that Colonel Langer used the word</p>	229	<p>1 A. That's my LLC.</p> <p>2 Q. And what does that do?</p> <p>3 A. It's a LLC.</p> <p>4 Q. But what is it? It's a business; correct?</p> <p>5 A. It is -- it's my LLC for my business, yeah.</p> <p>6 Q. And what is your business?</p> <p>7 A. I have a commercial pesticide spraying</p> <p>8 business.</p> <p>9 Q. And so I'll represent to you that you</p> <p>10 registered your business with the Secretary of State</p> <p>11 in February -- I'm sorry, in May of 2021. Any</p> <p>12 reason --</p> <p>13 A. Sounds about right.</p> <p>14 Q. Okay. And you were still a trooper at the</p> <p>15 time; correct?</p> <p>16 A. No.</p> <p>17 Q. In May of 2021?</p> <p>18 A. Oh, I'm sorry. I misunder -- or I misheard</p> <p>19 you. This was not started or me having anything to</p> <p>20 do with that while I was still a trooper, because I</p> <p>21 started it last spring.</p> <p>22 Q. Okay. So why is it incorporated with the</p> <p>23 Minnesota Secretary of State in May of 2021?</p> <p>24 A. That was -- I have a freeze dryer that I</p> <p>25 made freeze dried candy.</p>

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<p style="text-align: right;">230</p> <p>1 Q. Okay. And was that a business that you 2 registered with the Secretary of State? 3 A. I'm guessing, yeah. 4 Q. And did you inform State Patrol about that 5 outside employment or outside business? 6 A. It wasn't employment. 7 Q. Did you inform them about the outside 8 business? 9 A. I don't think so, no. 10 Q. And you were required to do that; correct? 11 A. Probably. 12 Q. And you had done that before, when you had 13 outside employment teaching; correct? 14 A. I had full permission and they were aware 15 of that. 16 Q. Now, in the email you describe this event 17 as an assault, but I just want to make sure. You 18 don't have any personal knowledge about what 19 occurred that day; correct? 20 A. Correct. 21 Q. You were there, but you don't recall seeing 22 anything? 23 A. Correct. 24 Q. You don't recall as you sit here today that 25 there was -- specifically that there was any media</p>	<p style="text-align: right;">232</p> <p>1 reporters' and whatever allegations, and I wasn't 2 even sure what -- a hundred percent what the 3 allegations were. 4 Q. Okay. But as you sit here today, you 5 believe that Miss Cole and Miss Hennessy-Fiske were 6 assaulted by members of the State Patrol? 7 A. It -- if -- They are stating that they were 8 pepper sprayed; correct? 9 Q. That's one of the allegations, that is 10 correct. 11 A. Okay, so if that was the allegation, unless 12 there is something that, you know, legally would -- 13 that there was some sort of law being broken or 14 something along the lines to justify the use of 15 force of pepper spray, it would be not justified. 16 Q. And that's your opinion; correct? 17 A. That is my opinion, yes. 18 Q. All right. But you don't know what the 19 individual troopers who were using the pepper spray, 20 you don't know what they were perceiving at the 21 time; correct? 22 A. No, I don't. 23 Q. And you don't know who else was there in 24 that group of individuals with the plaintiffs; 25 correct?</p>
<p style="text-align: right;">231</p> <p>1 present; correct? I think you testified that you 2 assumed there was media present, but you don't 3 recall seeing anybody. 4 A. I don't -- there's nothing that I can see 5 that, oh, yeah, the media was here. 6 Q. Okay. Now, so when you are now referring 7 to the term assault, that is based on your review of 8 the video; is that correct? 9 A. No, that's based on when I was looking for 10 Carolyn's email address and Googling the State 11 Patrol and -- because I didn't know what her name 12 was, and what you have when you Google that and it 13 pops up is the headlines about assault. 14 Q. Okay. So you were parroting back to her 15 the media headlines that she had been assaulted -- 16 A. Yes. 17 Q. -- as part of this? 18 A. Yes. 19 Q. Okay. So it wasn't your opinion at the 20 time that you sent this email that she actually was 21 assaulted? 22 A. I -- to be honest, I didn't -- I didn't 23 really know much about this other than what my 24 deposition was in February. I didn't look into it 25 or read up on it. I knew that there was the</p>	<p style="text-align: right;">233</p> <p>1 A. Correct. 2 Q. And you don't know whether or not the 3 plaintiffs were in a group solely of media or if 4 there was a group mixed with media and other members 5 of the crowd; correct? 6 A. Correct. 7 Q. And would it change your answer as to 8 whether or not pepper spray was appropriate if the 9 individuals that it was used against were not 10 members of the media? 11 A. Would it change -- I'm just making sure 12 that I am following. 13 Q. Yep, please do. 14 A. Would it change my opinion if it was 15 civilians that were pepper sprayed as opposed to the 16 media? 17 Q. Correct. 18 A. It is -- that's dependent on what was 19 happening with those said civilians. 20 Q. Okay. Now, I believe you testified earlier 21 that you had received instructions to treat the 22 media differently; correct? 23 A. Yes. 24 Q. And who gave you that instruction? 25 A. I don't recall.</p>

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234	<p>1 Q. Where were you when that instruction was</p> <p>2 given?</p> <p>3 A. I don't recall.</p> <p>4 Q. Who else was present when that instruction</p> <p>5 was given?</p> <p>6 A. Specifically, like around me, I don't</p> <p>7 recall.</p> <p>8 Q. Would it surprise you that nobody else</p> <p>9 recalls that instruction being given?</p> <p>10 A. They -- yeah, that would be.</p> <p>11 Q. Okay. So you're the only witness who's</p> <p>12 testified to that. Are you aware of that?</p> <p>13 A. No, I'm not aware of anything.</p> <p>14 Q. Okay. So you don't know who told you that;</p> <p>15 correct?</p> <p>16 A. Right.</p> <p>17 Q. You don't know where it happened; correct?</p> <p>18 A. Not the specific location, right.</p> <p>19 Q. You don't know when it happened; correct?</p> <p>20 A. Not during the time of the -- of the George</p> <p>21 Floyd incident, no.</p> <p>22 Q. Okay. Now, what, to the best of your</p> <p>23 recollection, was said about treatment of the media</p> <p>24 during this instruction that you were given?</p> <p>25 A. They were exempt from the curfew, they were</p>	236
235	<p>1 -- they had the right to be behind and where they</p> <p>2 needed to be to report what was going on.</p> <p>3 Q. You were a member of the MRT for six years?</p> <p>4 A. Approximately.</p> <p>5 Q. Approximately.</p> <p>6 A. Yes.</p> <p>7 Q. Can you recall another situation where</p> <p>8 members of the media were allowed to pass through a</p> <p>9 line of police officers or troopers?</p> <p>10 A. No.</p> <p>11 Q. Is there anything in your training that</p> <p>12 would allow members of the public, including media,</p> <p>13 to go through a police line?</p> <p>14 A. No.</p> <p>15 Q. It's dangerous; correct?</p> <p>16 A. Yeah.</p> <p>17 Q. And that's the reason why when someone goes</p> <p>18 through the line, you're supposed to arrest them;</p> <p>19 correct? Or not you, but somebody on the arrest</p> <p>20 team; correct?</p> <p>21 A. When a person would go through the line, it</p> <p>22 would be because the troopers had pulled them</p> <p>23 through the line.</p> <p>24 Q. Okay.</p> <p>25 A. And that would be an arrest.</p>	237
	<p>1 the curfew and what have you and had the right to be</p> <p>2 there and report.</p> <p>3 Q. And so they could go through that line?</p> <p>4 A. No.</p> <p>5 Q. Okay. So what were troopers supposed to do</p> <p>6 when they come across members of the media in that</p> <p>7 situation?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Now, you wrote in your email, we're</p> <p>10 back to Exhibit 6, "and all emails with any</p> <p>11 connection to the riots or related topics...for many</p> <p>12 reasons." And you were asked some questions about</p> <p>13 that; correct?</p> <p>14 A. Yes.</p> <p>15 Q. Did anybody at the State Patrol tell you</p> <p>16 any specific reason why you needed to delete emails</p> <p>17 or other documents?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. So the many reasons that you refer</p> <p>20 to here are your assumptions; correct?</p> <p>21 A. Yes.</p> <p>22 (Pause in proceedings for clock chiming.)</p> <p>23 BY MR. WEINER:</p> <p>24 Q. So you don't know, as you sit here today,</p> <p>25 why that instruction was given to you; correct?</p>	

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238	<p>1 A. No.</p> <p>2 Q. And you don't even recall specifically what</p> <p>3 the instruction was; correct?</p> <p>4 A. Not verbatim.</p> <p>5 Q. Right. You just have a general sense to</p> <p>6 the best of your recollection two and a half years</p> <p>7 later; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Now, looking at this email again, you</p> <p>10 signed this, "Tesa Johnson, Retired MSP Trooper,</p> <p>11 SP508." 508, was that your badge number?</p> <p>12 A. Correct.</p> <p>13 Q. And you identify yourself as a retired</p> <p>14 trooper; correct?</p> <p>15 A. Yes.</p> <p>16 Q. But in fact, you were terminated as a</p> <p>17 trooper; correct?</p> <p>18 A. But collecting my retirement.</p> <p>19 Q. I understand that you're collecting your</p> <p>20 retirement, but you were fired from your role;</p> <p>21 correct?</p> <p>22 A. I was, but then I just received a</p> <p>23 correspondence that said resigned, so I don't know.</p> <p>24 But yeah, I was terminated.</p> <p>25 Q. So you sent this letter to Miss Cole, it</p>
239	<p>1 looks like, 2:20 p.m. on November the 27th.</p> <p>2 A. Yes.</p> <p>3 Q. And obviously, she responded to you.</p> <p>4 A. Yes.</p> <p>5 Q. Explain to me how she responded to you.</p> <p>6 A. She -- I believe it was first it was a</p> <p>7 phone call.</p> <p>8 Q. And was it the same day, within a couple</p> <p>9 days?</p> <p>10 A. Within a couple days.</p> <p>11 Q. And tell me about that first phone call.</p> <p>12 A. We FaceTimed and it wasn't a very long</p> <p>13 phone call. It was more so she had explained to me</p> <p>14 who she was, that she, you know, had worked for the</p> <p>15 LA Times, that Molly was no longer with the</p> <p>16 LA Times, and she had told me then that -- or at</p> <p>17 some point in time in the conversation, that this</p> <p>18 was not completed, and I discussed with her, you</p> <p>19 know, a brief kind of rundown of why I was no longer</p> <p>20 with the patrol, and yeah, I -- any other -- I mean</p> <p>21 it was a pretty benign conversation. She said that</p> <p>22 she was going to contact her attorneys in regards to</p> <p>23 the photos and things like that.</p> <p>24 Q. And how long was the phone call?</p> <p>25 A. Not very long. I don't know how long</p>
240	<p>1 specifically.</p> <p>2 Q. Was anybody else with you when you took</p> <p>3 that phone call?</p> <p>4 A. No.</p> <p>5 Q. Was anybody else that you could see in the</p> <p>6 room with Miss Cole when she spoke with you?</p> <p>7 A. No.</p> <p>8 Q. And what did you tell her about your</p> <p>9 experience with no longer being with the State</p> <p>10 Patrol?</p> <p>11 A. Like what I experienced after not being</p> <p>12 with the State Patrol?</p> <p>13 Q. I believe you said that you told her -- you</p> <p>14 gave her some information about how you weren't with</p> <p>15 the State Patrol anymore.</p> <p>16 A. Yes.</p> <p>17 Q. And what did you tell her?</p> <p>18 A. That we had a crash that involved a partner</p> <p>19 of mine who was killed and we had -- that was in</p> <p>20 May 24th of 2021, and we contacted the county</p> <p>21 because we didn't -- something -- it was just a</p> <p>22 strange situation where Sarah was hit -- or it was a</p> <p>23 strange situation about Sarah running the stop sign,</p> <p>24 and there was discussion about this is -- this</p> <p>25 intersection is not a good intersection. One of my</p>
241	<p>1 partners saw a vehicle blow through the stop signs</p> <p>2 after when she had gone to go leave items at the</p> <p>3 memorial. So then after that, we contacted the</p> <p>4 county, the highway engineer, and said -- asked if</p> <p>5 we could just get extra signage or something out</p> <p>6 until we could figure out what was going on.</p> <p>7 Nothing happened, and on June 8th, there was</p> <p>8 another fatal crash that involved another friend of</p> <p>9 mine -- two other friends of mine and colleagues,</p> <p>10 and a 17-year-old patient who was also killed. And</p> <p>11 after taking the driver's statement, I went back and</p> <p>12 I drove her route to see what was happening and I</p> <p>13 observed that the stop ahead sign was covered, that</p> <p>14 the stop sign was in a place that a stop sign</p> <p>15 normally would not have been, and I took pictures of</p> <p>16 the intersection and I said that this is -- the</p> <p>17 county's not maintaining the intersection.</p> <p>18 Q. And this is all what you told Miss Cole</p> <p>19 during that first phone call?</p> <p>20 A. I don't know if it was that detailed. I'm</p> <p>21 not sure.</p> <p>22 Q. Did you ask her if she had any interest in</p> <p>23 writing a story about that?</p> <p>24 A. No.</p> <p>25 Q. So you had this first conversation with</p>

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<p style="text-align: right;">242</p> <p>1 Miss Cole, and then when was the next contact that</p> <p>2 you had with her?</p> <p>3 A. It was close to maybe a day or two after.</p> <p>4 I don't know specifically.</p> <p>5 Q. Okay. And, well, let's go back to the</p> <p>6 first conversation. Did you talk about the photos</p> <p>7 at all during the conversation?</p> <p>8 A. I told her that they -- I mean she knew</p> <p>9 that they had existed with the email.</p> <p>10 Q. And what did she say about that?</p> <p>11 A. It sounded like she was interested in</p> <p>12 seeing them.</p> <p>13 Q. And did you talk to her or did she ask you</p> <p>14 about anything else that was in this email?</p> <p>15 A. I don't recall. I don't know.</p> <p>16 Q. Did she ask you about your claim that you</p> <p>17 were instructed to delete the photos and emails?</p> <p>18 A. I don't believe that we spoke about that.</p> <p>19 Q. Okay. So you then had a second</p> <p>20 conversation with her; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And was that also by FaceTime?</p> <p>23 A. Yes.</p> <p>24 Q. And when was that?</p> <p>25 A. It was a few days after this. I don't -- I</p>	<p style="text-align: right;">244</p> <p>1 in my brain about that conversation, you know, if</p> <p>2 there's not anything like insanely notable -- not</p> <p>3 insanely notable, but just notable.</p> <p>4 So the second conversation in regards to like</p> <p>5 the photos and things like that, I can tell you that</p> <p>6 it was that we discussed, you know, I -- the Google</p> <p>7 folder is on my -- on my Google Drive, and I know</p> <p>8 that there -- she had expressed concern about making</p> <p>9 sure that they got saved.</p> <p>10 Q. Now, the stress and the physical effects</p> <p>11 that this talking about work has on you --</p> <p>12 A. Mm-hmm.</p> <p>13 Q. -- does that include talking about the</p> <p>14 events from the time that you were in the Twin</p> <p>15 Cities for the George Floyd riot period?</p> <p>16 A. I don't know. I remember what I remember</p> <p>17 and I can't explain to you why I don't remember</p> <p>18 something, if it's -- that's just normal or if</p> <p>19 that's something that is created by memory loss from</p> <p>20 PTSD. I don't -- I'm not educated in that.</p> <p>21 Q. Okay. So you had the second conversation</p> <p>22 with Miss Cole. Then what was the next conversation</p> <p>23 or contact that you had with her?</p> <p>24 A. It was she had explained to me how</p> <p>25 WeTransfer works, and that's how I had transferred</p>
<p style="text-align: right;">243</p> <p>1 don't remember how many days after.</p> <p>2 Q. Tell me about that conversation. What did</p> <p>3 you say, what did she say?</p> <p>4 A. It was a quick one. Honestly, there's</p> <p>5 nothing that is really popping into my head that I</p> <p>6 recall. I'm sure we spoke about the photos again</p> <p>7 and I think perhaps she may have spoken with her</p> <p>8 attorney.</p> <p>9 At some point in time there was a conversation</p> <p>10 of save the photos, just, you know, was concern of</p> <p>11 if they were -- if that folder was going to</p> <p>12 disappear, just, you know, make sure that the photos</p> <p>13 were saved. But that's really all I can recall of</p> <p>14 notable.</p> <p>15 Q. Okay. So the only thing from that second</p> <p>16 phone call was make sure that the photos are</p> <p>17 maintained?</p> <p>18 A. That I recall. I -- there could have been.</p> <p>19 It's not -- it's not that I'm not trying to answer</p> <p>20 your question. I -- things that are involved with</p> <p>21 work and things like my previous job and things like</p> <p>22 this, I mean like because of what I have going on, I</p> <p>23 get really nervous and it just -- it makes me -- it</p> <p>24 makes -- I don't know how else to describe the</p> <p>25 feeling, but so things can -- if it's not sticking</p>	<p style="text-align: right;">245</p> <p>1 the files, but initially it didn't work. I live</p> <p>2 very rurally and my internet is at times not great,</p> <p>3 so I had transferred the photos and it didn't -- it</p> <p>4 didn't transfer. I don't even know if any of them</p> <p>5 popped up. So I had to redo it, so we had a</p> <p>6 conversation on maybe sending smaller batches rather</p> <p>7 than everything in one.</p> <p>8 Q. And did you receive written instructions</p> <p>9 about the WeTransfer?</p> <p>10 A. I -- in regards to say email or text</p> <p>11 messages or --</p> <p>12 Q. Any type of conversation, or any type of</p> <p>13 written communication that would explain to you how</p> <p>14 you would go about transferring these photos to</p> <p>15 Miss Cole.</p> <p>16 A. I don't recall.</p> <p>17 Q. So how did you learn how to use the</p> <p>18 WeTransfer application?</p> <p>19 A. Either on a phone call or a text message.</p> <p>20 Q. Not right now, but if you could check for</p> <p>21 that text message to just see if there's something</p> <p>22 there, and if you have it, if you could produce it</p> <p>23 to everybody, that would be great.</p> <p>24 A. Certainly.</p> <p>25 Q. So you had a second conversation about the</p>

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247	<p>1 app? Is that where you have them?</p> <p>2 A. Well, then you have the Google photo app</p> <p>3 and that's where the original exists, on Kristie's,</p> <p>4 the original exists on the owner of that file.</p> <p>5 Q. Okay.</p> <p>6 A. And if I go into my email, my old email,</p> <p>7 it's still on my Google folder.</p> <p>8 Q. So you took the photos directly, a</p> <p>9 basically drag and drop of the photos or maybe</p> <p>10 copied them and put them in from your Google photos</p> <p>11 into the WeTransfer site?</p> <p>12 A. It was that or I know a lot of them were</p> <p>13 screen shot where you see the collection and the</p> <p>14 names. Somehow it was either screen shot or saved</p> <p>15 to -- saved to an album.</p> <p>16 Q. Okay. Now, other than your photos that you</p> <p>17 took yourself, do you have any knowledge of whether</p> <p>18 where it says -- So maybe there's a better way to</p> <p>19 ask this question. If we could pull out the exhibit</p> <p>20 that is --</p> <p>21 MS. WIESSNER: 3.</p> <p>22 MR. WEINER: Yes, 3.</p> <p>23 MS. WIESSNER: Up here.</p> <p>24 MR. WEINER: Nope, actually, 7 is what I'm</p> <p>25 looking for. No, you're right, 3 is going to be</p>	249	<p>1 A. Correct.</p> <p>2 Q. All right. You wouldn't go in to court as</p> <p>3 a trooper and try to admit some of these photos</p> <p>4 based on your knowledge of what was there because</p> <p>5 you don't have that knowledge; correct?</p> <p>6 MS. WIESSNER: Objection, calls for a legal</p> <p>7 conclusion, incomplete hypothetical.</p> <p>8 THE WITNESS: Meaning that -- say of this</p> <p>9 picture that is from Tyler Milless, that I would not</p> <p>10 submit this into court as I don't know if he took it</p> <p>11 or if it was sent to him and he posted it?</p> <p>12 BY MR. WEINER:</p> <p>13 Q. Correct.</p> <p>14 A. Correct, yes.</p> <p>15 MR. WEINER: Since we have the room until</p> <p>16 five, I think I'm going to suggest that we take a</p> <p>17 break right now. I'm going to try to narrow down my</p> <p>18 questions so that we can get everything in so that</p> <p>19 there's not any kind of requirement that you'd have</p> <p>20 to come back for anything, Ms. Johnson. So if we</p> <p>21 could take five, that would be great, and come back.</p> <p>22 VIDEOGRAPHER: Going off the video record</p> <p>23 at 4:15 p.m.</p> <p>24 (A break was taken.)</p> <p>25 VIDEOGRAPHER: This is File 5, we're on the</p>

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<p style="text-align: right;">250</p> <p>1 record at 4:20 p.m. 2 BY MR. WEINER: 3 Q. So Ms. Johnson, I want to talk to you a 4 little bit about your experience in the Twin Cities 5 during the George Floyd riot period. 6 A. Okay. 7 Q. Now, my understanding is that you have 8 identified that as one of the incidents that has 9 contributed to your current PTSD -- 10 A. Yes. 11 Q. -- diagnosis; correct? 12 A. Yes. 13 Q. And as part of that, do you recall 14 providing a statement to describe your experience on 15 that -- during that time frame? 16 A. Providing a statement to my attorney? 17 Q. Yes, that was eventually provided as part 18 of that lawsuit. 19 A. Yes. 20 Q. All right. And I want to ask you about a 21 little bit in there. So you wrote that when you 22 first got down there, you rushed to the Third 23 Precinct to guard it from rioters and looters. 24 A. Yes. 25 Q. And you said, "We sat and watched as the</p>	<p style="text-align: right;">252</p> <p>1 A. Yes. 2 Q. Rocks? 3 A. Yes. 4 Q. Rotten food? 5 A. Yes. 6 Q. Garbage? 7 A. Yes. 8 Q. You said that you were shot at several 9 times? 10 A. Not specifically me, but there were 11 gunshots on two different occasions, yeah. 12 Q. And when was that? 13 A. The first night, and I -- the second, I -- 14 right now, I don't -- I don't remember where or 15 when. 16 The first shooting was pretty -- or the first 17 gunshots was the first night, it was pretty 18 significant because everybody hit the deck. 19 Q. Jumped behind jersey barriers; correct? 20 A. Yes. 21 Q. If they could. 22 A. Correct. 23 Q. Some people couldn't get behind the jersey 24 barriers; correct? 25 A. Yes.</p>
<p style="text-align: right;">251</p> <p>1 people broke every window, looted, destroyed and 2 burnt down nearly every building in a five-block 3 area." Do you recall that? 4 A. Yes. 5 Q. And you stated that you were hit with rocks 6 and other debris. 7 A. Yes. 8 Q. Do you recall that? You were hit with 9 empty liquor bottles from looted stores? 10 A. Yes. 11 Q. Screamed at? 12 A. Oh, yeah. 13 Q. Threatened? 14 A. Yes. 15 Q. And accosted verbally? 16 A. Yes. 17 Q. And that while this was happening, you 18 watched the city burn; correct? 19 A. Yes. 20 Q. And I think you said that you watched these 21 citizens with pure hatred in their eyes laugh as 22 they ruined their city. Do you recall that? 23 A. Yes. 24 Q. All right. It says you were struck with an 25 empty Hennessy bottle.</p>	<p style="text-align: right;">253</p> <p>1 Q. And you wrote that, "The people rioting 2 knew we couldn't or wouldn't do a thing and they 3 took full advantage of it." 4 A. Yes. 5 Q. What did you mean by that? 6 A. Well, it was pretty apparent with all of 7 us, we were with -- on guarding that precinct, and 8 as the burning and looting and breaking of the 9 buildings, it was pretty obvious at that point that 10 nobody was arresting anybody. It was just 11 happening. 12 Q. Now, you wrote that you were terrified; is 13 that correct? 14 A. Yeah. Scary. 15 Q. And was that pretty much the entire time 16 that you were in the cities or did that come and go? 17 Or explain that to us. 18 A. Well, explaining -- so the best way I can 19 describe it is when something is happening, you have 20 to do your job. You have a job to do. It wasn't 21 that -- it wasn't a situation anything off of my 22 critical incident list, as you can read and see on 23 there that it wasn't -- there's nothing on there 24 that caused me to collapse fearfully or anything 25 like that. Because of, you know, we had to deal</p>

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255	<p>1 Q. And then about two days later, you were</p> <p>2 told to end it and a plan was devised to move the</p> <p>3 riot out and disperse all these people.</p> <p>4 A. Yes.</p> <p>5 Q. What did you think about that plan?</p> <p>6 A. At the time?</p> <p>7 Q. At the time, yes, ma'am.</p> <p>8 A. That's what we were going to do.</p> <p>9 Q. Did you think it was a good course of</p> <p>10 action based on what you'd seen from the previous</p> <p>11 three nights?</p> <p>12 A. I don't recall forming an opinion on it.</p> <p>13 It wasn't a choice that we had. I couldn't just go</p> <p>14 to a supervisor and say I can't do this.</p> <p>15 Q. Now, you write that, "During the shift,</p> <p>16 after it was devised to move people out, a person</p> <p>17 attempted to physically attack me, forcing me to</p> <p>18 send him to the ground." Can you tell me about that</p> <p>19 incident?</p> <p>20 A. Yes. He tried to physically attack me and</p> <p>21 ran at me full tilt, and he -- I had my riot baton</p> <p>22 and he locked eyes with me and he was coming after</p> <p>23 me, and I had to use force to protect myself and put</p> <p>24 him onto the ground.</p> <p>25 Q. And where was this?</p>	257

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<p style="text-align: right;">258</p> <p>1 you stopped counting?</p> <p>2 A. Yeah.</p> <p>3 Q. Because it was basically all over the air;</p> <p>4 correct?</p> <p>5 A. It was -- if you were nearby somebody, that</p> <p>6 was -- the Mark 9s are pretty powerful.</p> <p>7 Q. And do you know if there was pepper spray</p> <p>8 coming from members of the crowd?</p> <p>9 A. I don't know.</p> <p>10 Q. I think you indicated that so much is a</p> <p>11 blur from fear, hunger, exhaustion and misery. Is</p> <p>12 that true as you sit here today?</p> <p>13 A. Yes.</p> <p>14 Q. And that you've not been back to the area</p> <p>15 of the metro since.</p> <p>16 A. At the time of that being written, I had</p> <p>17 not been back to the metro.</p> <p>18 Q. Have you since then?</p> <p>19 A. Pretty sure.</p> <p>20 Q. Okay. You wrote, "I've never felt like</p> <p>21 such an enemy and a bad guy while trying to protect</p> <p>22 in my entire life."</p> <p>23 A. Correct.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. Because we were trying to protect people</p>	<p style="text-align: right;">260</p> <p>1 everything go away and people would be happy.</p> <p>2 Q. And you stated that this is an event that</p> <p>3 will shape your fears forever. Is that still true?</p> <p>4 A. Yes.</p> <p>5 Q. And in addition to this, you've had other</p> <p>6 experiences responding to riots; correct?</p> <p>7 A. There has been smaller situations. I don't</p> <p>8 know -- I mean it wasn't as large as this, but there</p> <p>9 was civil unrest that I responded to, yes.</p> <p>10 Q. All right. And you did respond to --</p> <p>11 during the Yadas trial; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And that was responding on the freeway for</p> <p>14 that matter; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And do you recall, was there a law</p> <p>17 enforcement line during that deployment?</p> <p>18 A. I arrived a little bit later for -- Was it</p> <p>19 that one? I want to say it was that one, so I was</p> <p>20 there at the tail end. At some point we did have a</p> <p>21 line, but it wasn't across the highway. It was on</p> <p>22 the hill going up. So we were pushing civilians off</p> <p>23 away from the highway rather than pushing them down</p> <p>24 the highway, if that makes sense.</p> <p>25 Q. It does.</p>
<p style="text-align: right;">259</p> <p>1 and property and it was sort of -- compare it to</p> <p>2 like swimming upstream in whitewater rapids. It was</p> <p>3 -- it felt as though our efforts that were positive,</p> <p>4 or what we felt, we were trying to protect person</p> <p>5 and property, that it was -- this is what we were</p> <p>6 trying to do for the people who were so angry, so it</p> <p>7 was just -- it was a very difficult situation.</p> <p>8 Q. And I think you testified in your last</p> <p>9 deposition that you basically were just trying not</p> <p>10 to get killed; correct?</p> <p>11 A. Yeah.</p> <p>12 Q. You also wrote that you had a</p> <p>13 disappointment about -- a disappointment in the</p> <p>14 complete ignorance of the mayor, the governor and</p> <p>15 police chief. And when you say police chief, is</p> <p>16 that Colonel Langer or is that the police chief of</p> <p>17 Minneapolis?</p> <p>18 A. I believe I was referring to the police</p> <p>19 chief of Minneapolis.</p> <p>20 Q. And their actions to exacerbate the actions</p> <p>21 of the riot. Can you tell me what you meant by</p> <p>22 that?</p> <p>23 A. The precinct that we had spent the first</p> <p>24 evening defending, it was given up days later to be</p> <p>25 burned down with the expectation that it would make</p>	<p style="text-align: right;">261</p> <p>1 A. Okay.</p> <p>2 Q. And in that experience, did you allow</p> <p>3 anybody to go through the police line?</p> <p>4 A. I don't recall.</p> <p>5 Q. Would have been unusual?</p> <p>6 A. Correct.</p> <p>7 Q. And then you also responded in 2016 on the</p> <p>8 I-94 riots; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Similar experience there?</p> <p>11 A. You know -- essentially, yeah, I mean --</p> <p>12 Q. I want to change gears for -- switch gears</p> <p>13 for just a second, and go back to some testimony</p> <p>14 that you gave about video cameras on the Metro</p> <p>15 Transit buses.</p> <p>16 A. Mm-hmm.</p> <p>17 Q. So I haven't heard any testimony about that</p> <p>18 from anybody else, and so I'm just trying to nail</p> <p>19 down exactly what occurred. So can you tell me what</p> <p>20 -- what was your understanding about video on the</p> <p>21 Metro Transit buses?</p> <p>22 A. I didn't have any understanding of any</p> <p>23 video or -- it was -- that was just something that</p> <p>24 was one of the things that you -- one of the things</p> <p>25 that I had heard as we were down there, was that</p>

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262	<p>1 they had cameras and they were running.</p> <p>2 Q. Do you recall who you heard that from?</p> <p>3 A. No.</p> <p>4 Q. Do you recall when you heard that?</p> <p>5 A. No, I don't.</p> <p>6 Q. Do you know if it's true that they had</p> <p>7 video cameras in the Metro Transit buses?</p> <p>8 A. I don't.</p> <p>9 Q. And if they had video cameras, do you know</p> <p>10 if it's true if they were recording?</p> <p>11 A. I don't, no.</p> <p>12 Q. And do you know, if there were recordings,</p> <p>13 whether or not audio was part of that?</p> <p>14 A. No.</p> <p>15 Q. Do you know whether the State Patrol has</p> <p>16 access or any control over the data or the -- any</p> <p>17 potential video that may exist from a Metro Transit?</p> <p>18 A. I do not.</p> <p>19 Q. Do you recall why -- or what someone said</p> <p>20 about why there was a concern about video on the</p> <p>21 Metro Transit buses?</p> <p>22 A. No.</p> <p>23 Q. Do you recall any statements on Metro</p> <p>24 Transit buses when you were there that you found</p> <p>25 problematic?</p>	264	<p>1 sort of deal.</p> <p>2 Q. So do you recall any specific statement</p> <p>3 that anybody made as it related to the press?</p> <p>4 A. No.</p> <p>5 Q. So when you said, I think before, you just</p> <p>6 kind of laughed a little bit and said something like</p> <p>7 dumb asses, that's --</p> <p>8 A. Not verbatim.</p> <p>9 Q. That's just your impression as you sit here</p> <p>10 today?</p> <p>11 A. Correct.</p> <p>12 Q. But you don't recall any specific thing</p> <p>13 that was said; correct?</p> <p>14 A. No.</p> <p>15 Q. And you don't recall any specific</p> <p>16 individual who said anything?</p> <p>17 A. No.</p> <p>18 Q. And you also mentioned that there were</p> <p>19 individuals who laughed; correct?</p> <p>20 A. I couldn't tell you who. I couldn't tell</p> <p>21 you where. I couldn't tell you anything specific</p> <p>22 about that. I know it seems weird, but I can tell</p> <p>23 you that was the impression I got from some folks</p> <p>24 that I don't know who they -- that it would have</p> <p>25 came from.</p>
263	<p>1 A. No.</p> <p>2 Q. Another thing that I believe you testified</p> <p>3 to was that at some point troopers were laughing</p> <p>4 about the treatment of members of the media. Do you</p> <p>5 recall testifying to that?</p> <p>6 A. Yes.</p> <p>7 Q. Tell me specifically what you can recall.</p> <p>8 A. Nothing verbatim. No -- there was sort of</p> <p>9 a flippant disregard. From who, I cannot tell you,</p> <p>10 I don't know. When you're surrounded with hundreds</p> <p>11 of people and there's conversations and what have</p> <p>12 you going on, you know, you hear things, but there</p> <p>13 was -- there was a -- not from everybody, but like</p> <p>14 about just the kind of a flippant sort of attitude</p> <p>15 towards it.</p> <p>16 Q. And what do you mean by that? What do you</p> <p>17 mean by a flippant attitude towards it?</p> <p>18 A. They -- perhaps like we have things to do</p> <p>19 so they weren't concerned about having the -- the</p> <p>20 curfew and being exempt, like they weren't concerned</p> <p>21 about it, not either way, but just didn't like -- it</p> <p>22 was like, oh, whatever, or laughing about injuries</p> <p>23 like, well, people -- it was an overall like, well,</p> <p>24 you know, it's dangerous, it's -- you know, people</p> <p>25 just being flippant or huhaha, you know, dumb asses,</p>	265	<p>1 Like I said, I was going through a divorce or</p> <p>2 had finished a divorce and it was a mess and I half</p> <p>3 kept to myself. I was a lot less social than what I</p> <p>4 used to be.</p> <p>5 Q. And your husband's new wife was a member of</p> <p>6 the MRT at the time; correct?</p> <p>7 A. Yeah.</p> <p>8 Q. And she was there at the same time as you?</p> <p>9 A. Yes.</p> <p>10 Q. Just want to be clear that I circle and</p> <p>11 make sure that I dot all the I's and cross all the</p> <p>12 T's on this.</p> <p>13 A. Yes.</p> <p>14 Q. How many people do you recall laughing</p> <p>15 about injuries that --</p> <p>16 A. I have no idea.</p> <p>17 Q. One?</p> <p>18 A. I have no idea.</p> <p>19 Q. So it could be any number between one and</p> <p>20 630 troopers that were there?</p> <p>21 A. I wish I could give you a better answer.</p> <p>22 Q. Now, you mentioned the arrest of the CNN</p> <p>23 reporter, Omar Jimenez.</p> <p>24 A. (Nodding head).</p> <p>25 Q. And I believe one of the things that you</p>

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266	<p>1 mentioned was that the arrest was improper because</p> <p>2 media was exempt from the curfew; correct?</p> <p>3 A. Media is exempt from the curfew or being --</p> <p>4 they're allowed to be there.</p> <p>5 Q. Okay. So I want to drill down on that a</p> <p>6 little bit.</p> <p>7 A. Okay.</p> <p>8 Q. So first of all, I'll represent to you that</p> <p>9 Omar Jimenez was arrested early in the morning on</p> <p>10 May the 29th, and the first curfew went into effect</p> <p>11 at 7:00 p.m. on May the 29th. So there was no</p> <p>12 curfew in effect.</p> <p>13 A. Okay.</p> <p>14 Q. So you would agree with me, based on that,</p> <p>15 that there was no issue with arresting Omar Jimenez</p> <p>16 for a curfew violation or exemption to the curfew</p> <p>17 because there was no curfew in place; correct?</p> <p>18 A. I don't -- I -- when I say that they were</p> <p>19 exempt from the curfew, that's not the only reason</p> <p>20 why.</p> <p>21 Q. And that's fair. That's what I'm trying to</p> <p>22 circle down on. So when you say they're exempt from</p> <p>23 the curfew, you're not talking about a physical --</p> <p>24 or I'm sorry, a legal exemption in the curfew</p> <p>25 document that was issued by the governor or the</p>	268	<p>1 A. I don't know. It could have been any of</p> <p>2 the supervisors. Could have been during a brief or</p> <p>3 a debrief, I don't know.</p> <p>4 Q. Could it have been on a bus?</p> <p>5 A. Could have been.</p> <p>6 Q. Could it have been as you were out on the</p> <p>7 streets?</p> <p>8 A. There wasn't a lot of communication in the</p> <p>9 regard of do or don't, other than instruction, and</p> <p>10 when we were out on the street, we were a lot more</p> <p>11 focused on who was in front of us.</p> <p>12 Q. Okay. So just trying to narrow things down</p> <p>13 a little bit in terms of time frame. You don't</p> <p>14 recall who told you that the media was exempt;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. You don't know when this occurred; is that</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. What you can say is that it was after the</p> <p>21 arrest of Omar Jimenez?</p> <p>22 A. Now that I'm -- yes, because when they</p> <p>23 arrested him, and then it was like that was sort of</p> <p>24 the catalyst of the knowledge of now we know we're</p> <p>25 not supposed to -- the press is exempt. Does that</p>
267	<p>1 mayor of Minneapolis; correct?</p> <p>2 MS. WIESSNER: Objection, calls for a legal</p> <p>3 conclusion, misstates her testimony.</p> <p>4 THE WITNESS: I -- the media was allowed to</p> <p>5 be there.</p> <p>6 MR. WEINER: Okay.</p> <p>7 BY MR. WEINER:</p> <p>8 Q. And what are you basing that on?</p> <p>9 A. My understanding of what we were told was</p> <p>10 they were allowed to be there.</p> <p>11 Q. Okay. And you were told that prior to Omar</p> <p>12 Jimenez being arrested on -- in the early morning of</p> <p>13 May the 29th?</p> <p>14 A. No, and if I gave that impression, I</p> <p>15 apologize. That was not my intention. I just know</p> <p>16 that the -- we were told that the media was exempt.</p> <p>17 Q. Okay.</p> <p>18 A. When he was arrested, I couldn't tell you</p> <p>19 if that was May 27th or May 31st. And if I --</p> <p>20 again, if I made that -- if I eluded towards that,</p> <p>21 that was not correct.</p> <p>22 Q. Okay. So then again, let's -- So you were</p> <p>23 told at some point the media was exempt.</p> <p>24 A. Yes.</p> <p>25 Q. Who told you that?</p>	269	<p>1 make sense?</p> <p>2 Q. And again, I'm trying to get the</p> <p>3 understanding of where this idea that the press was</p> <p>4 exempt, where this came from. Do you have</p> <p>5 recollection of any supervisor specifically telling</p> <p>6 you that?</p> <p>7 A. No.</p> <p>8 Q. Do you have any recollection of where you</p> <p>9 were when you were told that?</p> <p>10 A. No. But I wish I did. I -- we -- there</p> <p>11 was -- I had conversations, and again, I don't know</p> <p>12 with who. This was days of 20-hour workdays, no</p> <p>13 food, on our feet, we were tired. I was -- I would</p> <p>14 have rather eaten glass. If I could tell you</p> <p>15 exactly, I would love to, but we -- we had</p> <p>16 conversations of, well, how the fuck are we supposed</p> <p>17 to be able to tell the difference between somebody</p> <p>18 who is going to shoot us and somebody who's press?</p> <p>19 We don't know.</p> <p>20 Q. That's fair.</p> <p>21 A. And those conversations happened. How am I</p> <p>22 supposed to tell if this person is press because</p> <p>23 they have press written on them? I don't know and I</p> <p>24 wish I could give you those answers, but again, I</p> <p>25 don't recall.</p>

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<p style="text-align: right;">270</p> <p>1 Q. I want to show you --</p> <p>2 MR. WEINER: I think we'll mark this as</p> <p>3 Exhibit 10. And to make things super confusing for</p> <p>4 all of us, it's a compendium of exhibits from</p> <p>5 Miss Cole's deposition. So the first exhibit</p> <p>6 sticker that you'll see on this is Exhibit 10, but</p> <p>7 it's a bunch of different exhibits that were</p> <p>8 included in there.</p> <p>9 So I'm going to ask that it's marked as</p> <p>10 Exhibit 10 for your deposition. I imagine that</p> <p>11 given the time constraints that we have, this will</p> <p>12 probably be the last questions that we can get to</p> <p>13 today and then we'll kind of figure out about next</p> <p>14 steps?</p> <p>15 (Exhibit Number 10 marked.)</p> <p>16 BY MR. WEINER:</p> <p>17 Q. MS. Johnson, I'm going to represent to you</p> <p>18 that this is a set of photos that are taken from the</p> <p>19 video that was given -- or that was provided to us</p> <p>20 as part of the discovery in this case.</p> <p>21 A. Okay.</p> <p>22 Q. And I want to start on this first page that</p> <p>23 says -- and it has a number -- has various</p> <p>24 individuals and numbers 1 through 7.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">272</p> <p>1 an indicator to me that somebody would be.</p> <p>2 Q. Okay. Turning to the next page, there are</p> <p>3 two individuals here, 1 and 2. Any belief, based on</p> <p>4 what you see here, that these are members of the</p> <p>5 press?</p> <p>6 A. Based on seeing them from behind, I don't</p> <p>7 see anything on their backside that indicates to me</p> <p>8 that they are press.</p> <p>9 Q. Okay. If we could turn to the next page,</p> <p>10 we've got four individuals here. Any of these</p> <p>11 individuals appear to be members of the press to</p> <p>12 you?</p> <p>13 A. Looks like 1, 2, and it's difficult to make</p> <p>14 out if 3 or 4 would be.</p> <p>15 Q. Okay. And 1, what are you basing the idea</p> <p>16 that that might be a member of the press?</p> <p>17 A. It appears as though they have a -- a --</p> <p>18 like a larger camera with a lens on it, is what I --</p> <p>19 is what it appears to be, with the lighting and the</p> <p>20 focus.</p> <p>21 Q. Yep.</p> <p>22 A. The second, it appears as though -- or</p> <p>23 number 2, excuse me, appears as though he has</p> <p>24 possibly a camera.</p> <p>25 Q. Okay. And turn to the next page, that</p>
<p style="text-align: right;">271</p> <p>1 Q. And in looking at this video, I would like</p> <p>2 you to tell me which of these individuals are</p> <p>3 members of the press.</p> <p>4 A. It's very difficult to make out anything</p> <p>5 other than a color of top or if they have a backpack</p> <p>6 on. It would be difficult for me to tell you based</p> <p>7 on the still.</p> <p>8 Q. Okay. If we could turn to the next page.</p> <p>9 A. (Complies).</p> <p>10 Q. We've got a number of individuals here, 1,</p> <p>11 2, 3 and 4, that are identified. Any of those</p> <p>12 individuals that you believe are members of the</p> <p>13 press?</p> <p>14 A. Again, I couldn't tell you.</p> <p>15 Q. Okay. If we could turn to the next page.</p> <p>16 A. (Complies).</p> <p>17 Q. We have some individuals, 1, 2 and 3. Can</p> <p>18 you tell me if those individuals, if any of them are</p> <p>19 members of the press?</p> <p>20 A. Somebody's got a boom.</p> <p>21 Q. So that's a possibility.</p> <p>22 A. It's possible.</p> <p>23 Q. Okay. So of the three, you can maybe</p> <p>24 identify one who might be a member of the press?</p> <p>25 A. I see the boom there, so I -- that would be</p>	<p style="text-align: right;">273</p> <p>1 might help a little bit. Is that the camera that</p> <p>2 you think you saw in number 2?</p> <p>3 A. He's holding a camera, yes, so that --</p> <p>4 Q. So he could be a member of the press?</p> <p>5 A. Correct.</p> <p>6 Q. What about 3 and 4 in this photo?</p> <p>7 A. 4, it's -- I don't see -- his hands are</p> <p>8 blurry so I don't know. 3 has got his -- or has a</p> <p>9 iPhone or a Samsung or Smart phone, holding that up.</p> <p>10 Without being able to see the front of him with any</p> <p>11 indicators, if he would be press, I don't know.</p> <p>12 Q. Would just an individual with an iPhone</p> <p>13 without any other indication, would that be a member</p> <p>14 of the press to you?</p> <p>15 A. Without any other indication, just holding</p> <p>16 up an iPhone, no.</p> <p>17 Q. Okay. If you can turn to the next page.</p> <p>18 Nice thing here is the lighting's a little bit</p> <p>19 better. Of 1, 2, 3, 4 and 5, any of these</p> <p>20 individuals here that you believe are members of the</p> <p>21 press?</p> <p>22 A. The -- 4 -- okay, 1, 2, 3, 4, 5. 5 appears</p> <p>23 as though, if I'm just, you know, looking from this</p> <p>24 still, he appears that he's got a larger camera. 3</p> <p>25 has got a high vis vest. I don't know if that would</p>

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<p style="text-align: right;">274</p> <p>1 be indicative of press, it's -- maybe 1, with the</p> <p>2 way that it looks like he's got a larger backpack or</p> <p>3 something, the straps on his back, but I don't know.</p> <p>4 Q. And the last page here.</p> <p>5 A. Who looks like they would be part of the</p> <p>6 press?</p> <p>7 Q. Who would be press, yes, ma'am.</p> <p>8 A. 1, possibly 3. That's -- those are what I</p> <p>9 would -- I would say from looking from behind.</p> <p>10 Q. And number 2 there seems to be the same</p> <p>11 individual with the Adidas jacket that was in some</p> <p>12 of the earlier pictures; correct? With the iPhone</p> <p>13 or some type of Smart phone. And you can go back</p> <p>14 and look if you --</p> <p>15 A. Yeah, because I don't remember what his</p> <p>16 clothing was. (Reviewing document). Looks pretty</p> <p>17 similar, yeah.</p> <p>18 Q. So in the event there are members of the</p> <p>19 press interspersed with members of the general</p> <p>20 public and there's a dispersal order, how are</p> <p>21 members of the State Patrol supposed to address the</p> <p>22 situation when people are supposed to move and</p> <p>23 there's a mixed group of individuals?</p> <p>24 A. I don't know.</p> <p>25 Q. You don't have an opinion about that?</p>	<p style="text-align: right;">276</p> <p>1 are things that we have to do. So the question</p> <p>2 becomes at this point -- and I need the information</p> <p>3 that I'd asked you guys for on those exhibits.</p> <p>4 So I guess my question is, do you have anything</p> <p>5 else that you would like to get on the record before</p> <p>6 we go off so that Jayme can pack up?</p> <p>7 MS. WIESSNER: I have a few further</p> <p>8 questions, but I can wait until your testimony is</p> <p>9 done if we're coming back, anyways, or -- it's about</p> <p>10 three minutes of questions.</p> <p>11 MR. WEINER: I think we'd have to wait</p> <p>12 until all of my questioning is done before you have</p> <p>13 the opportunity.</p> <p>14 MS. WIESSNER: Yeah.</p> <p>15 MR. WEINER: So I think we'd have to come</p> <p>16 back for that.</p> <p>17 VIDEOGRAPHER: I'm going to go off the</p> <p>18 video record. It's 4:52 p.m.</p> <p>19 (Discussion off the record.)</p> <p>20 (The following discussion was held off the</p> <p>21 video record.)</p> <p>22 MS. WIESSNER: It's your deposition, so if</p> <p>23 you want to instruct her about reading and signing,</p> <p>24 that would be great.</p> <p>25 MR. NOEL: Ms. Johnson, my name is Andy</p>
<p style="text-align: right;">275</p> <p>1 A. Do you mean -- You want to know what my</p> <p>2 opinion is?</p> <p>3 Q. Yeah, if you -- I mean if you have an</p> <p>4 opinion on it, I would love to hear it.</p> <p>5 A. I don't know. It would be -- it was</p> <p>6 difficult to be able to differentiate if there</p> <p>7 wasn't something that was very clearly marking them</p> <p>8 or if they weren't carrying something that would be</p> <p>9 to a reasonable person interpreted as professional</p> <p>10 or some sort of camera equipment, video equipment.</p> <p>11 MR. WEINER: Okay. I think, given the</p> <p>12 technological needs that we have, now is probably a</p> <p>13 good time to break since I don't have anything else</p> <p>14 on this topic.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. WEINER: So I don't know if there's</p> <p>17 anything that you wanted to state on the record</p> <p>18 before we go off the record or if we should just go</p> <p>19 off the record at this point.</p> <p>20 MS. WIESSNER: Well, you're done with</p> <p>21 questions for the day or are you saying you'd like</p> <p>22 to continue the deposition on another day?</p> <p>23 MR. WEINER: Oh, I'm definitely continuing</p> <p>24 the deposition. The deposition's remaining open at</p> <p>25 this point because I still have questions and there</p>	<p style="text-align: right;">277</p> <p>1 Noel, I'm one of the lawyers for the plaintiffs in</p> <p>2 this matter. And at the end of the deposition, we</p> <p>3 instruct witnesses who we don't represent that they</p> <p>4 have a right to receive a copy of the deposition</p> <p>5 transcript, read it over, and determine whether or</p> <p>6 not things were taken down accurately or whether</p> <p>7 you'd like to make changes to the deposition.</p> <p>8 So you have to tell us today whether you would</p> <p>9 like to exercise that right to read and sign your</p> <p>10 deposition or whether you would waive the right to</p> <p>11 read and sign this portion of your deposition. And</p> <p>12 neither side can give you any input on that.</p> <p>13 THE WITNESS: I'd like my portion -- is it</p> <p>14 portion of the deposition, to read and sign.</p> <p>15 MR. NOEL: Understood.</p> <p>16 (The deposition concluded at 4:58 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 *****</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 REPORTER'S CERTIFICATE

2
3 I hereby certify that I reported the videotaped
4 deposition of TESA JOHNSON, VOLUME I, on the 20th
5 day of December 2023, in Crosby, Minnesota;

6 That I was then and there a Notary Public in
7 and for the County of Carlton and the State of
8 Minnesota, and as such I was duly authorized to
9 administer an oath;

10 That the witness before testifying was by me
11 first duly sworn to testify to the whole truth and
12 nothing but the truth relative to said cause;

13 That the foregoing testimony was recorded in
14 shorthand by me and transcribed into typewriting
15 under my direction, and is true and correct to the
16 best of my ability;

17 That I am not related to any of the parties
18 hereto nor interested in the outcome of the action.

19 WITNESS MY HAND AND SEAL this 28th day of
20 December 2023.

21
22 -----
23 Amanda K. Grover
24 Notary Public

25 My commission expires: 01/31/2025

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1 SIGNATURE PAGE

2 I, TESA JOHNSON, swear I have read the
3 foregoing pages of my deposition, and I have noted
4 the changes or corrections, if any, below:

5 Page: Line: Change:

6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____

21 _____
22 TESA JOHNSON

23 Sworn and subscribed to before me
24 this ____ day of _____ 2024.

25 _____ NOTARY PUBLIC AKG

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